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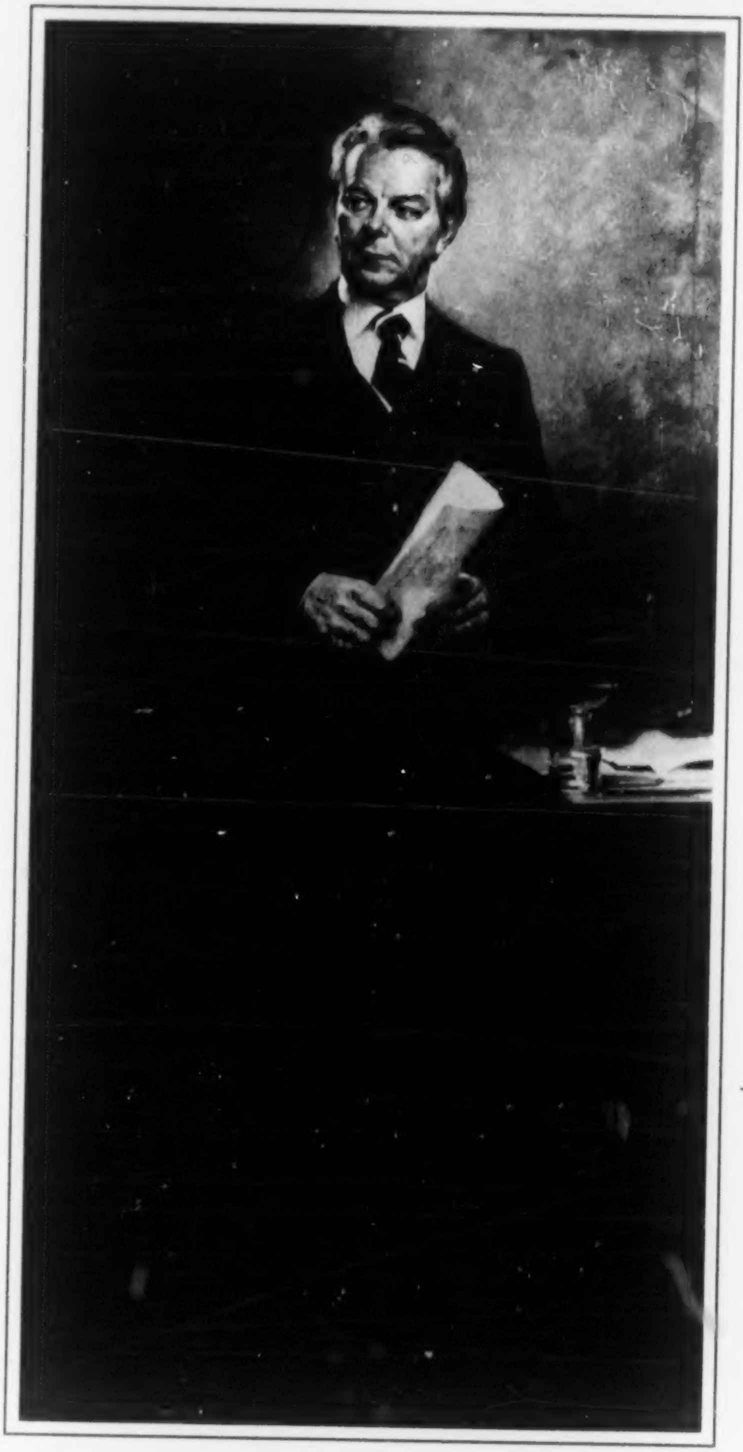
THE SENATE
1789-1989



United States Senator Robert C. Byrd
By John Howard Sanden, 1981

THE SENATE
1789-1989
Addresses on the History of the United States Senate

Volume One
Bicentennial Edition

ROBERT C. BYRD
United States Senator

With a foreword by
WILLIAM E. LEUCHTENBURG

Edited by
MARY SHARON HALL
U.S. Senate Historical Office

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To My Grandchildren

Erik Byrd Fatemi, Mona Byrd Moore, Darius James Fatemi,
Mary Anne Moore, Fredrik Kurosh Fatemi, and to the Memory of Jon Michael Moore

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Foreword

This magisterial enterprise—the most ambitious study of the United States Senate in all our history—began in an altogether unpremeditated manner. On a quiet, even somnolent, Friday morning, March 21, 1980, the then junior senator from West Virginia, Robert C. Byrd, rose from his place in the front of the chamber. As Majority Leader, he had pledged that there would be no votes on Fridays, and since on this particular day nothing was scheduled save routine morning business, almost no senators turned up, and an early recess was anticipated. But when Senator Byrd took the floor he spotted his granddaughter, Mary Anne Moore, seated in the Senate gallery with her classmates and their fifth-grade teacher. "I thought it might be well if they had something to go back to school and talk about," he later explained to his colleagues. He particularly did not want to disappoint his granddaughter. "I said to myself that I would hate to see her sit there and see and hear nothing." So, in a quite impromptu fashion, the Majority Leader delivered an extemporaneous address on the history of the United States Senate, its customs and traditions.

That episode might have turned out to be a one-time occurrence had it not been for another unexpected incident. As Senator Byrd later recounted, "The next Friday my older granddaughter brought her class, and it so happened that both granddaughters came here with their father, and I thought it would not be well for him to hear the same speech twice, and knowing that I should be as considerate of the second granddaughter as I had tried to be of the first, I spoke again for an hour or so on the history of the Senate." It was in this fortuitous circumstance—to please Mary Anne's older sister, Mona Byrd Moore, and their father—that the Majority Leader put together a second, and once more spontaneous, installment of his chronicle.

Senator Byrd's two performances proved so compelling that a number of senators and others asked him to continue them, particularly with the thought that the bicentennial of the Senate was coming in 1989, less than a decade away. Consequently, almost every week the Senate was in session, whenever he could find a quiet moment in a busy schedule, usually at the close of the Senate's business day, Byrd presented yet another chapter of his saga—on subjects ranging from the Library of Congress to the Capitol Police, from the Senate Press Gallery to the Botanic Garden and Capitol landscape. One of the happier inspirations in recent years has been the creation of a Senate Historical Office under the very able leadership of Richard Baker. With the assistance of Baker and others, Senator Byrd put together a remarkable series of lectures not only on particular topics—Women Senators, Black Senators, the Senate in Literature and Film—but on the entire history of the upper house over nearly two centuries.

It is hardly a closely held secret that many addresses appearing in the *Congressional Record* were never actually given, but only inserted as though they had been read, and that would surely have been the easiest way for Senator Byrd to have proceeded. But he insisted, week in, week out, on speaking thousands upon thousands of words into the *Record* as he stood on the floor of the Senate. "I always read these speeches," the Majority Leader declared. "I never just have them put in the *Record*. I have too much reverence for the institution for that." On at least one occasion, the senator spoke on a Friday when all of his colleagues were away for a long weekend and with no one to heed him save pages and clerks. But he read his latest composition, noted one observer, "slowly, as if he were in the most congenial literary salon," and, as always, "rather lovingly."

As time went on, Senator Byrd's talks attracted more and more attention. "I've heard from professors . . . and from judges and political science students and from citizens all around the country expressing considerable interest," the senator reported in the summer of 1982 after he had already given forty-nine lectures before breaking for an eight-month interval to undertake his successful campaign for reelection. The series drew highly favorable press notices, and one man, after watching from the public galleries in September 1985, wrote the *Washington Post* that "Byrd's speech, the 77th of this type he has delivered on the floor since 1980, is a good example of why the Senate should be televised."

Well before then, discussion had been initiated on gathering the lectures together and publishing them. On February 1, 1983, with no business scheduled to be transacted until later that day, Senator Byrd secured permission to speak beyond the five-minute time limitation, but he had hardly begun his discourse—the fifty-second in the series—on the role of the Senate in expansionism and the Mexican War when he was twice interrupted. First, Senator Russell Long rose to urge the Minority Leader, as he had by then become, to "continue to pursue this matter because at some place in the *Record* there should be an authoritative, reliable statement to which all senators could turn that covers what the Senate had done, the reasons that it did it, and a reliable account, impartial and fairly stated, so that all senators from time to time could review the history of the Senate and improve their conduct by reference to what has happened, what should have happened, here in the Senate, and the Senator has made a fantastic record along that line." No sooner had the Louisiana senator sat down than Senator Lawton Chiles of Florida chimed in, "I hope that when this chronicle is finished there will be some way of having it bound and that we could have the benefit of that in book form. I hope he will certainly consider doing that because I think it will be a valuable work of history."

This sentiment knew no party lines. On February 24, 1983, the new Senate Majority Leader, Howard Baker, stated, "I look forward to the day when we can publish the first volume of those speeches." He added, "I expect that this series of speeches . . . may be the definitive work on the history of the Senate of the United States. That is a major accomplishment, and we owe the Majority Leader a debt of gratitude for his perseverance in this scholarly effort." With bipartisan support, plans began to be laid for the ultimate appearance of these addresses in bound volumes while Senator Byrd pushed ahead on his marathon endeavor, both during his tenure as Minority Leader and when he resumed the Majority Leader post.

Robert Byrd's history of the Senate, more than seven years in the making, is without parallel. On occasions in the past, senators have written memoirs of a generation of service; one thinks of books such as Thomas Hart Benton's *Thirty Years' View.* And more than once, scholars have turned out studies of the Senate, though there has been no large-scale attempt since George H. Haynes' *The Senate of the United States: Its History and Practice* in 1938. But never before has a distinguished member of the United States Senate carried to completion a comprehensive history of the Senate, drawing both upon his own insights and recollections and the most recent work of scholars. This prodigious narrative, a work of some two thousand double-column pages approaching two million words, makes a generous and significant contribution to celebrating the bicentennial of what has been called the greatest deliberative body in the world.

JULY 6, 1987

WILLIAM E. LEUCHTENBURG
William Rand Kenan Professor
University of North Carolina at Chapel Hill

Preface

March 4, 1989, marks the two-hundredth anniversary of the Senate of the United States of America. Over the past two centuries, much has been written about the issues and individuals associated with this singular legislative body. Despite the availability of those studies and of rich manuscript resources, no single comprehensive written history of the Senate exists today. In an attempt to create such a work, I addressed the Senate on forty-two occasions between May 4, 1981, and December 15, 1987, regarding the institution's chronological development from 1789 to recent times. Those addresses have been slightly revised to constitute this volume's thirty-nine chapters. In undertaking these addresses and, subsequently, this volume's publication, my purpose has been to provide a synthesis of the best available scholarship on Senate history and to add insights from the perspective of my own congressional career.

In this work, I have retained the form of my remarks as they appeared in the *Congressional Record.* This form includes a notation at the start of each chapter as to the date on which I originally delivered the address, initial and subsequent references to the presiding officer of the Senate as "Mr. President," and occasional substantive commentary by other members in the Senate chamber at the time of my remarks. Volume Two of this series will bring together, in a topical format, additional speeches delivered between 1980 and 1988.

In 1975, the Senate established an official historical office, under the direction of the secretary of the Senate. Since then, the Senate Historical Office, directed by Dr. Richard A. Baker, has become a rich repository of documentation about the history and traditions of the Senate and its nearly seventeen hundred former members. The office's three professional historians—Dr. Baker, Dr. Donald A. Ritchie, and Dr. Kathryn Allamong Jacob—have been closely associated with this project since 1980. They conducted extensive research and prepared initial drafts for most of the addresses that comprise this volume's thirty-nine chapters.

The Senate has ample reason to be proud of these three dedicated employees. Each has established solid credentials within the historical profession. Both Richard Baker and Donald Ritchie earned their Ph.D.s in American history at the University of Maryland. Dr. Baker is the author of a biography of Senator Clinton P. Anderson and a brief documentary history of the Senate. He is a former president of the Society for History in the Federal Government. Dr. Ritchie has published a biography of James M. Landis; a highly regarded high school American history textbook; and a history of the Senate for high school students and is author of a forthcoming book on congressional newspaper correspondents. He is past president of the national Oral History Association. Kathryn Jacob, whose doctorate is from Johns Hopkins University, has contributed articles to *American Heritage* and other leading historical journals and is the author of a forthcoming book on social elites in Washington during the Gilded Age.

No project of this magnitude would have any chance of success without the careful direction of a skillful editor. Thus, I am particularly indebted to Mary Sharon Hall. She is abundantly blessed with a first-rate editor's talents of broad subject knowledge, consistency, patience, sharp intellect, and determination. Her impressive understanding of the contemporary Senate flows from experience gained over the past thirteen years with the Select Committee on Intelligence, the Temporary Select Committee to Study the Senate Committee System, and the Select Committee on Ethics.

Others in the Senate Historical Office have provided essential support. They include Photohistorian John O. Hamilton, Production Manager Elizabeth Hornyak Morrison, Historical Indexer Wendy Wolff, and Research Assistants Diane Boyle, Kathryne Bomberger, Dorothy Rosenbaum, and Stephanie Marcus.

From elsewhere in the Senate, I have received invaluable support from the Senate Library, directed by Roger K. Haley; the Office of Senate Curator, under the leadership of James Roe Ketchum; Senate Bookbinder Richard C. Young; and from the secretary of the Senate, who has jurisdiction over those offices. Initially, Secretary of the Senate J. Stanley Kimmitt directed me to resources within his office available for the project. From 1981 to 1987, when the Republican party held the majority in the Senate, Secretary William F. Hildenbrand and his successor, Jo-Anne L. Coe, generously aided me. Continuing in the tradition of his predecessors, Secretary Walter J. Stewart, who has served the Senate in various key posts for a third of a century, contributed his rich experience and deep knowledge of the institution. I also owe a special note of thanks to Senate Parliamentarian Emeritus Floyd M. Riddick.

Many individuals and institutions outside the Senate have supported this undertaking. This is most evident in the credit lines that accompany the book's many fine illustrations. I extend special thanks to George Tames, who generously made available photographs from his forty-year career as the *New York Times'* chief photographer on Capitol Hill. Dr. Raymond W. Smock, historian of the House of Representatives, graciously provided photographs from his extensive American history slide collection. The Legislative Archives Division of the National Archives, custodian of official Senate records, made accessible its rich resources documenting two hundred years of Senate history. At the Library of Congress, the Congressional Research Service, Manuscript Division, Prints and Photographs Division, Loan Division, and the Photoduplication Service rendered indispensable aid. In particular, staff of the Loan Division filled orders for thousands of books and went to extra effort when requested volumes were not immediately available on their shelves.

In appropriate places throughout the text, I have acknowledged my debt to individual scholars who have illuminated particular eras and personalities of the Senate's past. Among them, three deserve additional notice here. Fifty years ago, Professor George Henry Haynes of Worcester Polytechnic Institute published his two-volume *Senate of the United States: Its History and Practice,* the monumental product of a lifetime's labor. In 1961, Roy Swanstrom completed his doctoral dissertation, *The United States Senate: 1787–1801.* Over the past nearly three decades, the Senate has published three editions of this classic study of the Senate's first years. At the time of the nation's 1976 bicentennial, the American Heritage Company published a one-volume history of the United States Congress by Alvin M. Josephy, Jr. Reissued in 1979 by Simon and Schuster as *On the Hill: A History of the American Congress,* this fine book splendidly captures the diversity and complexity of nearly two centuries of congressional history.

Finally, I wish to thank my wife Erma, who has given generously of her patience, understanding, and encouragement through the long hours that I have devoted to this project.

It is my deepest hope that the present work will foster increased public understanding of the history and traditions that sustain the late twentieth-century United States Senate. One hundred years from now, as the Senate prepares to observe its tricentennial, may those traditions be as esteemed by our successors as they are by us.

ROBERT C. BYRD

About the Author

Robert Carlyle Byrd was born Cornelius Calvin Sale, Jr., on November 20, 1917, in North Wilkesboro, North Carolina. His mother, Ada Kirby Sale, died in the 1918 influenza epidemic. In accordance with his wife's final wish, Cornelius Sale, a factory worker with four older children to raise, entrusted the baby to his sister, Vlurma Sale, and her husband, Titus Dalton Byrd, whose only child had died. They renamed their nephew Robert and moved with him to West Virginia. There, young Robert's foster father held a succession of subsistence income jobs as brewery worker, farmer, and coal miner.

Raised in impoverished circumstances during the grimmest years of the Great Depression, Robert graduated as valedictorian of his high school class in 1934, at the age of sixteen. He subsequently worked as a gas station attendant and then as a produce salesman in a mining company store. In 1937, he married his high school sweetheart, Erma Ora James, a coal miner's daughter. In the years prior to World War Two, Robert Byrd taught himself the butcher's trade. During the war, he labored as a welder in the shipyards of Baltimore, Maryland, and Tampa, Florida.

At war's end, he outdistanced a field of thirteen candidates in a 1946 Democratic primary and went on to win a seat in the West Virginia house of delegates. In 1950, he was elected to the state senate. During that time, Robert Byrd opened a grocery store and pursued his undergraduate education at Beckley Junior College, Morris Harvey College, Marshall College, and Concord College. In 1952, deciding to campaign for an open seat in the U.S. House of Representatives, he won the general election by an impressive margin.

Robert C. Byrd was elected to the United States Senate in 1958, following three successive terms in the House. As a freshman senator, he received a coveted appointment to the Appropriations Committee. Recognizing the value of legal training to his congressional service, Byrd, in 1953, had begun evening law school courses. A decade later, while in the Senate, he received his Doctor of Jurisprudence degree, cum laude, from American University's Washington College of Law.

Senator Byrd holds a number of significant West Virginia political records. He has served longer in the Senate than any of the twenty-nine other senators elected from that state. He is the only West Virginian to have served in both chambers of the state legislature and in both houses of the United States Congress. He also is the only public official of his state to have won a contested general election in all of its fifty-five counties (1970), and the only U.S. senator ever elected without opposition in a West Virginia general election (1976). In his political career of forty-two years, he has never been defeated.

In 1967, Senator Byrd entered the Senate leadership, winning election as Secretary to the Democratic Conference. Four years later, he became his party's whip—the number two Senate leadership position. In 1977, Senate Democrats unanimously elevated him to the post of Majority Leader. Since then, he has served continuously as his party's leader and is the only person in Senate history to have held, in succession, the posts of Majority Leader (1977–1981), Minority Leader (1981–1987), and Majority Leader (1987–1989). In 1989, it is anticipated that he will become the Senate's president pro tempore and chairman of the Appropriations Committee.

NOVEMBER 17, 1988

RICHARD A. BAKER
Historian
U.S. Senate Historical Office

CHAPTER 1

The First Congress
1789–1791

*May 4, 1981**

Mr. President, today, I should like to begin a series of statements that will cover the history of the Senate and its deliberations chronologically, examining the major issues that have faced our predecessors and, at times, have shaken the very foundations of the Union. Along the way, I plan to focus attention on some of the remarkable personalities who walked the halls of the Senate—Richard Henry Lee, Roger Sherman, Webster, Clay, and Calhoun, Randolph of Roanoke and Blaine of Maine, "Bluff Ben" Wade and "Pitchfork Ben" Tillman, Huey Long, the senior and junior Robert La Follettes and Henry Cabot Lodges, Joseph McCarthy, and Richard Russell.

I will begin by looking closely at the First Congress, where many of our current rules, precedents, and customs were forged. In examining the First Congress, I have been aided by the work of the First Federal Congress Project located at George Washington University. I commend the project's fine work to my colleagues. To date, the project has published three impressive volumes, a documentary history of the First Federal Congress.

The introduction to Volume I of *Documentary History of the First Federal Congress of the United States of America* explains the significance of the First Congress, and it is worth quoting at length:

> When the First Federal Congress convened in March 1789, it seemed unlikely that the experiment represented by the new Federal Constitution would succeed. The United States had a population of four million and its area was larger than any European state except Russia. There was no example in history and no support in traditional political theory to encourage those who would attempt to govern such a nation by a republican form of government based on the consent of the governed. Many Federalist supporters of the Constitution, as well as Antifederalist critics, doubted that the plan of government devised by the Philadelphia Convention would work in practice, unless changes were made—either formally by amendment or informally by interpretation—to bring the new Constitution closer to their sometimes-conflicting standards of perfection.
>
> Yet the American experiment did succeed. For almost two centuries, this has astonished skeptics. "God," a familiar epigram observes, "looks after fools, drunkards, and the United States of America." Indeed, the success of the American form of government has been remarkable; not only has the U.S. Constitution operated to provide a greater degree of justice, prosperity, and liberty to its citizens than that realized by any

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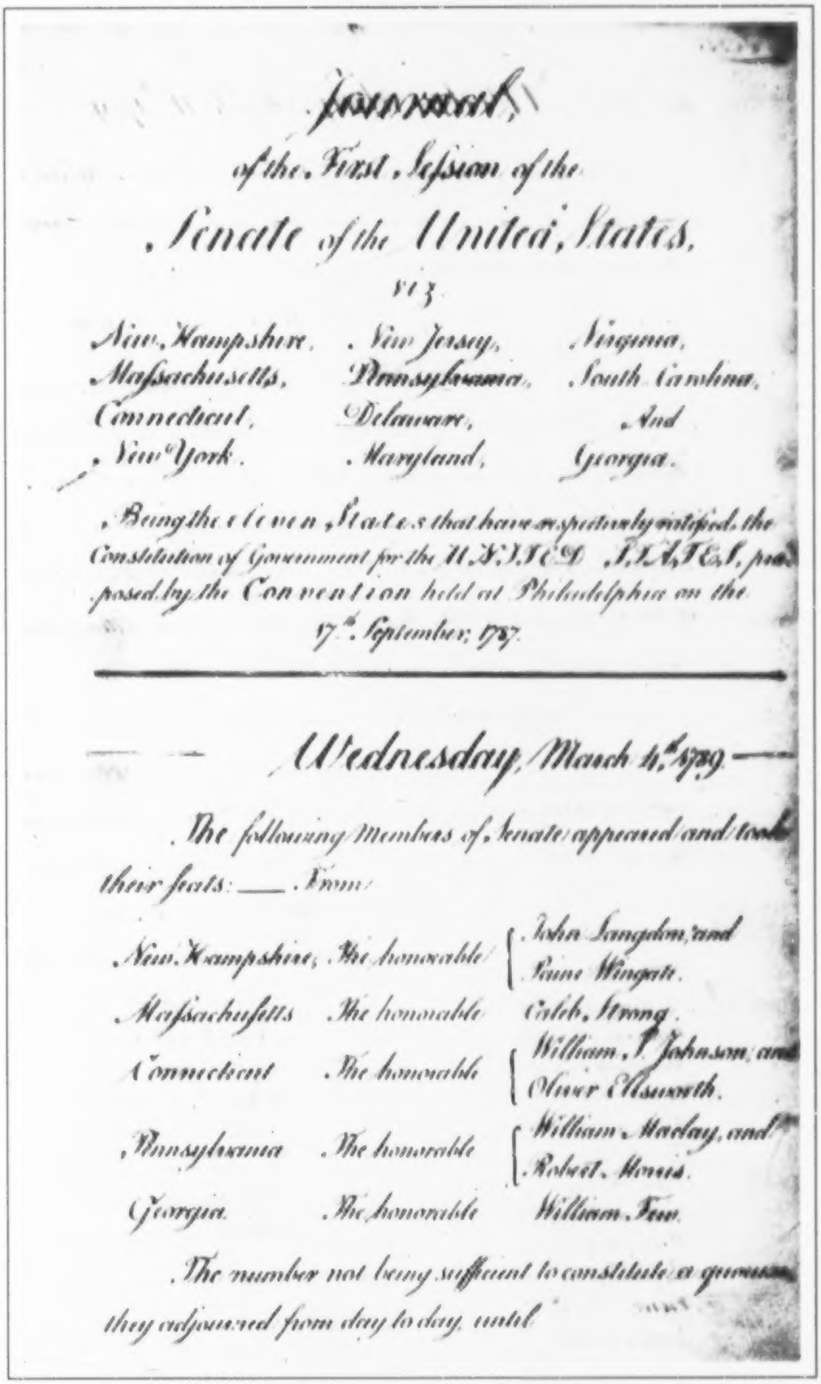
* Portions of this address were delivered on April 6, 1987.



Journal,

of the First Seſsion of the

Senate of the United States,

viz

New Hampshire, New Jersey, Virginia,
Maſsachusetts, Pennsylvania, South Carolina,
Connecticut, Delaware, And
New York. Maryland, Georgia.

Being the eleven States that have respectively ratified the Constitution of Government for the UNITED STATES, proposed by the Convention held at Philadelphia on the 17th. September, 1787.

Wednesday, March 4th. 1789 ——

The following Members of Senate appeared and took their ſeats: —— From

New Hampshire,	The honorable	John Langdon, and Paine Wingate.
Maſsachusetts	The honorable	Caleb Strong.
Connecticut	The honorable	William S. Johnson, and Oliver Ellsworth.
Pennsylvania	The honorable	William Maclay, and Robert Morris.
Georgia	The honorable	William Few.

The number not being sufficient to constitute a quorum they adjourned from day to day, until

As the *Senate Journal* documents, more than a month would pass before a quorum would gather and the Senate of the First Congress could proceed with its business. *National Archives* nation in recorded history, but it has also shown such impressive stability that it is now the oldest written constitution in operation in any modern state.

How can we account for this success? Much credit belongs to the genius of the framers of the Constitution—their historical and intuitive knowledge of man and politics. Yet that is not the full explanation. Many nations have come to ruin under constitutions deliberately patterned on the American model. It was the way in which the American people implemented their Constitution that made a functioning system from the document's abstractions. Nothing was more essential to the enduring success of that system than the First Federal Congress.[1]

On March 4, 1789, the First Congress was to meet in the newly refurbished Federal Hall in New York City to count the electoral votes for president and vice president, inaugurate the winners, and get on with its business. At sunset on March 3, thirteen of the big guns at New York's battery were fired to signal the end of the floundering government under the Articles of Confederation. At sunrise the next day, church bells rang to welcome the birth of the new constitutional government. The *Pennsylvania Gazette* reported that "a general joy pervaded the whole city on this great, important, and memorable event."[2]

The jubilation soon died for want of fuel. When the members of the House and Senate assembled, it was embarrassingly clear that only thirteen of the fifty-nine representatives and only eight of the twenty-two senators from the eleven states (Rhode Island and North Carolina had not yet ratified the Constitution) were present. The first entry in the Senate's *Journal* reads, "The number not being sufficient to constitute a quorum, they adjourned. . . ."[3]

I think these first eight men deserve special recognition. From New Hampshire came John Langdon, who had shepherded the Constitution through his state's convention, and Paine Wingate, the Harvard-educated Congregational minister. Massachusetts was represented by Caleb Strong, active in the Constitutional Convention and later governor of his state. Connecticut sent two aggressive Federalists: Oliver Ellsworth, destined to become chief justice of the United States, and William Samuel Johnson, newly elected president of Columbia College. Pennsylvania's two senators were the wealthy Philadelphia financier Robert Morris and the irascible William Maclay, from whose journal of the First Congress we have gained an invaluable picture of political life during that time. Finally, there was William Few, who had completed his long journey from Georgia before the members from New Jersey could bestir themselves to cross the Hudson River.

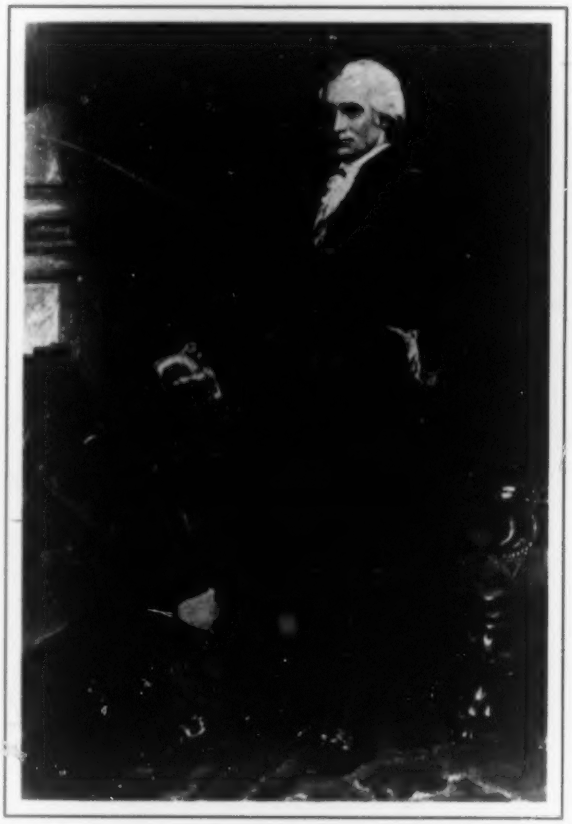
The Congress under the Articles of Confederation had been plagued by absenteeism. In its final months, that legislature remained virtually paralyzed by its inability to muster a quorum of members. Thus, when only eight of the elected senators presented themselves on March 4, many feared a continuation of the old difficulty. As Charlene N. Bickford, an authority on the First Congress, has written, "These men hoped that the new government could begin its work promptly, conveying an impression of the seriousness of their attention to duty to the public."[4] When a quorum failed to materialize over the next few days, those who had arrived wrote to their tardy colleagues, "We apprehend that no arguments are necessary to evince to you the indispensable necessity of putting the Government into immediate operation; and, therefore earnestly request, that you will be so obliging as to attend as soon as possible."[5]

Connecticut's Governor Samuel Huntington wrote on March 30 to that state's two senators, who were present in the capital, expressing generally held fears that further delay would undermine national and world confidence in the new government. He explained, "I know not but that particular embarrassments in some States may be sufficient excuse for delay to this time; but did those States duly consider the consequences: that at this important Crisis earnest expectation may grow into impatience & finally change to loss of Confidence, & distrust by long disappointment, I am sure procrastination must create anxiety in the friends to the Constitution."[6]

At Mount Vernon, George Washington, a man with a strict sense of duty who felt certain he would be president if only Congress could convene to count the votes, regretted the "stupor, or listlessness."[7] On April 1, Thomas Scott came over the Alleghenies from western Pennsylvania to give the House its first quorum. But it was not until April 6, when Richard Henry Lee arrived from Virginia, that the first quorum of twelve senators was secured.

Many of his younger colleagues stood in awe of Richard Henry Lee. A striking, tight-lipped gentleman, he was fifty-seven—the same age as George Washington. He, along with Thomas Jefferson and Patrick Henry, had drafted Virginia's first protests against Great Britain. He was most revered for the resolution he introduced at the Continental Congress on June 7, 1776, which began with the thrilling words, "*Resolved:* That these United Colonies are, and of right ought to be, free and independent States." By the time he reached the Senate, Lee had only a few years to live, but he would play an active role.[8]

Mr. President, perhaps we can capture a sense of the excitement and commitment with which these first senators approached their new duties by looking in on a ceremony held in southern New Jersey to mark the departure of Senator Jonathan Elmer. The March 26, 1789, event began, as was customary in the late eighteenth century, with a series of toasts. On this occasion, the spirited assemblage drank eleven toasts. For those today who might wish to stage a commemorative toast, I shall read them as given:



With the arrival of Richard Henry Lee of Virginia, on April 6, 1789, a quorum was finally secured.
Library of Congress

1 The new Federal Constitution. May it be speedily put in operation
2 His Excellency General Washington
3 The Hon[orable] John Adams
4 The Senate of the United States
5 The federal House of Representatives
6 The Governor of the State of New Jersey
7 The promoters of public Happiness
8 May the liberties of the people be the principal object of the Rulers
9 Success to Agriculture [M]anufactures & Commerce
10 Honor Virtue & Patriotism
11 A speedy reformation to Rhode Island & North Carolina

We are advised that these toasts were executed with "the greatest order and decorum." Following that ceremony, the new senator listened to a farewell address in which he was praised for "your literary achievements, the early and active part you took in the cause of liberty and your country in the late revolution, your knowledge and experience in the Science of Government."

Elmer responded with suitable humility. He said: "To make a fair experiment of the new federal Constitution by putting it into execution immediately, is an object which I have much at heart. The success of the experiment will depend, greatly, upon the manner in which this grand machine is first put in motion." He closed with a promise—one that his modern successors, in this age of instantaneous statewide news coverage, might not have been so bold as to venture. He said, "And while I endeavor faithfully to serve my Country in general, I have made it my constant duty to promote the honor and interests of the State to which I belong, and that part of it, in particular, with which I am more immediately committed." [9]

The twelve senators who met on April 6 were the first of the ninety-four men who would serve from that point until 1801. This figure, I should note, does not include Albert Gallatin of Pennsylvania who attended and voted in the Senate but was afterward declared ineligible. For information on the characteristics of these first ninety-four senators, I am deeply indebted to a fine doctoral dissertation by Roy Swanstrom of Seattle Pacific College which was printed as a Senate document in 1962.[10]

Though the nation was new, these men brought with them records of long experience in political statecraft. Eighteen had been members of the Constitutional Convention. More than forty had served in the ratifying conventions of their states. Forty-two had had experience as legislators in the Continental Congress or the Congress of the Confederation. Eighty-four had served in their state or provincial legislatures. Nine had been governors. Others served as judges, mayors, state attorneys general and treasurers. No wonder John Adams, standing before the Senate for the first time as vice president, was moved and reassured to see before him "so many of those characters, of whose virtuous exertions I have so often been a witness—from whose countenances and examples I have ever derived encouragement and animation. . . . Those celebrated defenders of the liberties of this country, whom menaces could not intimidate, corruption seduct, nor flattery allure." [11]

About sixty of these first eighteenth-century senators had been in uniform during the Revolution. Joseph Anderson of Tennessee, a Continental captain at twenty years of age, served at the siege of Yorktown. Jesse Franklin of North Carolina, a soldier at seventeen and hero of King's Mountain and Guilford Courthouse, was so hated by the loyalists on the frontier that when he was captured, he was hanged by his own bridle only to have it break, allowing him to escape. Only three senators, William Samuel Johnson of Connecticut and Paine Wingate and Samuel Livermore of New Hampshire, were lukewarm to the Revolution. These were men who made painful decisions about whether or not to support the Revolution or whether or not to leave their families behind to spend long months in Philadelphia working on a constitution many predicted was doomed to failure.

Upon reading their diaries and letters, one is tempted to think of these men as colleagues who shared many of the same concerns we do today. During the First Congress, one senator's house was robbed while he was away serving his nation. Another's wife died. William Grayson of Virginia became the first senator to die in office. Another senator was badly hurt in a carriage accident. These senators worried about children growing up back home without them and about infants with measles. Some grew weary during long sessions; some complained about their rooms; and one wrote home about the excellent pineapple he had tasted.[12]

Then, as now, the majority of senators were lawyers, and being lawyers left time for other pursuits. In the South, many lawyer-senators owned large estates to which they devoted much time. In the North, many invested in mercantile and manufacturing projects. Elijah Paine of Vermont combined all three pursuits: he was a lawyer, farmer, and owner of a cloth factory and saw and grist mills. The Senate's critics complained about this preponderance of lawyers. Philadelphia's hypercritical *Aurora* charged that lawyers in Congress were "machines of precedent" and sneered that they could reach no decision without first consulting "Vattel, Grotius, Bynkerschock, or Puffendorf." Later, when a bankruptcy bill was before the Senate, the *Aurora* claimed that the lawyers had pushed it through, hoping it would yield "handsome pickings" to a "flock of legal harpies."[13]

Mr. President, although the Senate was delayed nearly five weeks for lack of a quorum, those members who had arrived in New York City were far from idle. First, there was an active social life. Wealthy New York City residents, eager to convince Congress to make that city its permanent home, hosted a succession of dinners and ceremonies. These entertainments served the very helpful purpose of allowing members from differing regions to get to know one another.

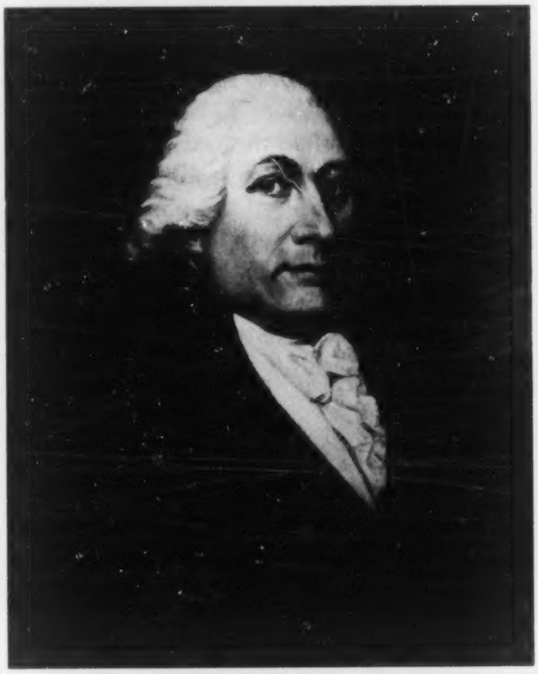
There were also jobseekers. While recuperating from a broken jaw occasioned by a tooth extraction, Senator Tristram Dalton of Massachusetts earlier wrote Caleb Strong, that state's other senator:

> . . . you may expect applications in favor of a number of Persons who want Places in the federal Revenue and some will be so modest as to insist on an absolute promise to favor them—perhaps adding that I have promised—for they have already said you have, in a case where I suppose no application has been made to you. . . .
>
> Be assured, [Dear] Sir, that I have not promised my interest to any man—neither will I until at Congress.
>
> Applications to me have been so many and some of them so curious I thought it friendly . . . to hand you this intelligence in Season lest by false report of my Conduct you be embarrassed.[14]

The waiting senators informally discussed selection of a secretary of the Senate and procedures for conducting the Senate's internal business. They gave a great deal of attention to questions of separation of powers and checks and balances between the Senate, House, and the president. Senators also pondered whether they should act as equals or as superiors to House members. Some shared New Hampshire Senator Paine Wingate's concerns that the Senate, as a body, might not be up to public expectations. Wingate wrote to a friend as follows:

> I fear that your expectation, and that of the public in general, will be raised too high respecting that new government. You will remember that Congress is but a collective body of men, men of like passions, subject to local prejudices and those biases which in some measure are inseparable from human nature. I say this not to lessen their true merit for I esteem them in general as very worthy characters, but not without considerable imperfections. . . . And tho I would not attribute a base design to any, yet I may be justified in supposing that partiality and jealousy will blind and mislead some, and it will be next to impossible to harmonize the sentiments of all. The best we can hope for is an accommodating disposition in that which will be tolerably right.[15]

The arrival of Richard Henry Lee was the signal for the first senators to get down to the business of the nation. They set to work by electing a president pro tempore, John



John Langdon of New Hampshire was the first president pro tempore of the Senate.

Architect of the Capitol

Langdon of New Hampshire. Forty-seven and handsome, Langdon and his brother, Woodbury, had both been delegates to the Continental Congress. As speaker of the New Hampshire assembly in 1777, he found the state's treasury empty just when troops were needed to repel Burgoyne's offensive. Langdon rose and said: "I have $3,000 in hard money. I will pledge the plate in my house for $3,000 or more, and I have seventy hogsheads of Tobago rum which shall be disposed of for what it will bring. These are at the service of the State." He then adjourned the assembly so that its members might volunteer for military service. Langdon joined the brigade, equipped through his generosity, that won the Battle of Bennington. After the Revolution, he personally paid the expenses of the New Hampshire delegation to the Constitutional Convention.[16]

Having elected Langdon, the senators next chose Oliver Ellsworth to go downstairs and inform the House that the Senate was prepared to carry out its constitutional duty of counting electoral votes in the presence of the representatives. Every step of the procedure that followed was a first. In the hushed chamber, the members watched Langdon open and count the electoral ballots. According to the Constitution, the individual receiving the highest number of votes would become president, the second highest would be vice president. While this plan was to secure the ablest men for both offices, in practice it was certain that sooner or later it would produce a president and vice president of opposite political persuasions. Indeed, this happened sooner rather than later, but I will speak of that at another time.

Fortunately, in the first election, there was no party contest. Langdon announced that George Washington had received sixty-nine votes and John Adams, thirty-four. John Jay was a distant third with nine; and nine other men divided the remaining twenty-six votes among them. As vice president, Adams could be relied upon to cooperate fully with George Washington.[17]

The Senate dispatched messengers to carry the certificates of election to George Washington at Mount Vernon and to John Adams in Braintree, Massachusetts. Upon receiving the news, Washington said he was "much affected by this fresh proof of my country's esteem and confidence." He set off for New York on April 16, 1789.

While the Senate waited for Adams and Washington to arrive, it continued its own organization. The House and Senate appointed chaplains and other officers and adopted their rules of procedure. In the Senate, the appointment of committees would be by ballot, and every member could introduce bills on his own responsibility. In the House, the appointment of committees was left to the Speaker, and bills were to be introduced only by special committees after discussion in the Committee of the Whole.

There was little initial dissent over these measures. Rancor between the Senate and House only began to grow when the Senate showed a tendency for self-aggrandizement. The Senate's inflated opinion of itself rekindled all the old fears that had been raised at the Constitutional Convention. The fact that the first senators had been so slow in coming to New York hadn't helped matters. Representative Henry Wynkoop of Pennsylvania expressed the misgivings of many when he wrote that their conduct savored "too much of the remains of Monarchical Government, where those promoted to public office considered themselves as clothed with Magisterial Dignity instead of confidential servants of the People." [18]

During the debates on the Constitution, the Senate was portrayed by its friends as a bulwark of stability—of the "haves" against the hasty and radical action of the "have nots"—and was denounced by its foes as dangerous to the liberties of the people. The type of men elected to the Senate in its early years encouraged those who hoped it would be a conservative influence and confirmed the worst fears of its detractors. No one looking at these first senators could have any doubt about the social class they represented. The Senate roll from 1789 to 1801 read like the *Who's Who* of wealthy and socially prominent families—they were the "haves" their supporters counted on.

Two of Pennsylvania's first senators were among the nation's richest men. Robert Morris was known as the Financier of the Revolution. William Bingham had made a fortune in war profiteering and invested his profits in land speculation. When the Senate later met in Philadelphia, their homes were the scenes of some of the most lavish entertainment in America.

Maryland's Charles Carroll of Carrollton was reputedly worth half a million dollars—a lot of money in those days. New York's Philip Schuyler owned thousands of acres in the Mohawk and Hudson valleys. George Cabot represented one of the most patrician families in Massachusetts. Ralph Izard of South Carolina was a member of one of that state's oldest families. Even senators from the frontier states of Kentucky and Tennessee came from socially prominent families. William Cocke of Tennessee, who, at sixty-five, enlisted as a private to fight the Creek Indians with Andrew Jackson, came from a family established in Virginia since 1628. [19]

Once it finally met, the Senate lost no time in trying to assert its superiority over the House. The senators decided that all communications from the upper to the lower chamber should be merely sent down by the secretary, but that, in the reverse case, two members of the House must bring the communications to the bar of the Senate. The House greeted the suggestion with a mixture of amusement and resentment. It replied, via its clerk, that it would send its messages any way it pleased, and the Senate was powerless to enforce its will. [20]

Bruised but unbowed, the senators next tried to enhance their prestige by proposing a pay differential in their favor. At the Constitutional Convention, there had been a move in this direction but it was checked by Charles Pinckney of South Carolina who proposed that senators receive no salary at all, limiting their numbers to wealthy men only. The Constitution stated only that senators and representatives would receive compensation from the federal treasury. The House suggested a compensation of six dollars a day for members of both chambers, plus six dollars for each twenty-five miles traveled to and from sessions. The Senate objected to the implied equality and amended the bill to increase the senators' pay to eight dollars per day. Those independently wealthy senators hardly needed the extra two dollars. The issue was one of prestige, not penury.[21]

Several senators used this opportunity to expound on the superior rank of their chamber and their personal disdain for money. The sharp-tongued William Maclay listened in disgust. I quote from his journal:

> Up now rose Izard; said that the members of the Senate went to boarding-houses, lodged in holes and corners, associated with improper company, and conversed improperly, so as to lower their dignity and character; that the delegates from South Carolina used to have 600 pounds per year, and could live like gentlemen, etc. Butler rose; said a great deal of stuff of the same kind; that a member of the Senate should not only have a handsome income, but should spend it all. . . . Mr. Morris likewise paid himself some compliments on his manner and conduct in life, his disregard of money, and the little respect he paid to the common opinions of people.[22]

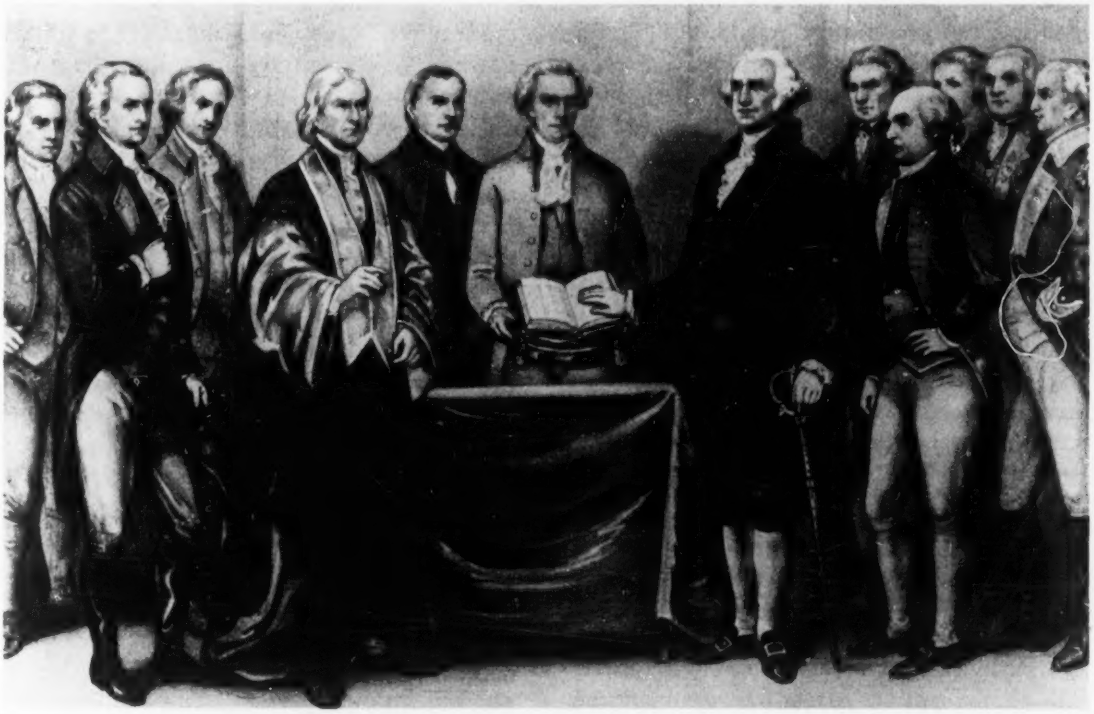
Maclay was outraged and claimed he led the fight against the pay differential as well as against high salaries for any federal official. He adds in his diary, "I did not speak long, and, enraged as I was at such doctrines, I am sure I did not speak well." [23] When the matter came to a vote, however, only three other senators voted with Maclay.

The House naturally denounced the Senate's proposal. Some representatives argued that they should have the higher pay. Others claimed that higher pay would only cause the senators to prolong sessions. But the amended bill had come back to the House in August, uncomfortably close to the end of the session. Representatives feared that, if they defeated it outright, they would have to go home without any pay at all. While Representative James Jackson of Georgia claimed he would rather go home penniless than accept the principle of House inferiority, his colleagues were in a compromising mood. They reluctantly accepted the salary discrimination, but only for special sessions. The pay bill, as passed, reduced the differentiation to one dollar—senators to receive seven dollars per day while representatives received six dollars. Moreover, the differentiation did not go into effect until March 4, 1795, and applied only to the special session that met between June 8 and June 26, 1795. The act expired March 4, 1796, making the Senate's victory rather hollow. In fact, when the matter of pay came up again in 1796, in the midst of the intense antiaristocratic sentiment spurred by the French Revolution, the senators realized that renewed claims of superiority would only damage their reputations and dropped the issue.[24]

The Senate also came under intense criticism for its policy of meeting behind closed doors. The sight of its closed doors, day in, day out, goaded suspicions that dark antidemocratic plots were hatching behind them. The Senate's secrecy contrasted sharply with the deliberations of the House, which were not only open to the public, but reports of which were widely circulated through the newspapers. The *National Gazette* fumed in 1792:

> This *Patrician* style, this concealment, this affection of pre-eminence but illy accords with the spirit of republican government. The Constitution of the United States acknowledges no superiority of one legislative body over the other, and to *assume* it is a violation of its principle, and an insult to the character of freemen. It is a strange maxim in republican policy, that the agents of the people should keep their deliberations concealed from those from whom they derive their political existence.[25]

Yet, while this policy was soon bitterly attacked for its aristocratic connotations, it was apparently not adopted in a deliberately antirepublican spirit. The Senate was merely following the precedent of its predecessor, the Congress of the Confederation. Even the



In this Currier and Ives depiction, made in the 1870's, George Washington takes the oath of office as president of the United States, while Samuel Otis, the secretary of the Senate, holds the Bible. Vice President John Adams stands to Washington's left. *Library of Congress*

most outspoken critics of patrician pretensions voiced little objection at the time. Maclay, the bitter foe of aristocracy, was a member of the committee assigned to write the Senate's rules, which not only said nothing about opening the Senate's doors but, instead, ordered that "inviolable secrecy shall be observed with respect to all matters transacted in the Senate." [26]

In their letters home, senators justified their decision. Samuel Johnston of North Carolina claimed that opening the doors to visitors would encourage posturing, waste time, and cost money. Paine Wingate of New Hampshire told friends: "You know I am not a friend to mystery and hypocrisy, but there are certain foibles which are inseparable from men and bodies of men and perhaps considerable faults which had better be concealed from observation. How would all the little domestic transactions of even the best regulated family appear if exposed to the world?" [27] The Senate's doors remained tightly closed throughout the First Congress, but the battle to pry them open was brewing.

Once the ground rules for the Senate and House were laid, the House turned its attention to financing the new government. Upstairs, however, the Senate still floundered over questions of etiquette, matters it considered of equal importance to the concerns before the House. The arrival of Vice President Adams raised a number of procedural questions. "Bonny Johnny Adams," as

Maclay satirically called him, was fresh from nine years abroad as American minister, chiefly to England. Many felt that the experience had undermined his native republican simplicity. With the House of Lords in mind, Adams wanted a Senate sergeant at arms who would be called the Usher of the Black Rod. Senators must, he believed, be called "Right Honorable" in the minutes. But Adams' greatest story had to do with his own role. Surveying the Senate, he was much distressed. Maclay recorded Adams' plaintive speech:

> Gentlemen, I feel great difficulty how to act. I am possessed of two separate powers. . . . I am Vice President. In this I am nothing, but I may be everything. But I am president also of the Senate. When the President comes into the Senate, what shall I be? I cannot be [president] then. No, gentlemen, I can not, I can not. I wish gentlemen to think what I shall be.

Maclay described the scene:

> Here, as if oppressed with a sense of his distressed situation, he threw himself back in his chair. A solemn silence ensued. God forgive me, for it was involuntary, but the profane muscles of my face were in tune for laughter in spite of my indisposition.[28]

Next, Adams turned his attention to a title for the president. He and several senators felt that "President of the United States" was too humble an appellation. After all, there were presidents of fire companies and cricket clubs. The senators finally hit upon a title the majority liked—"His Highness, the President of the United States of America, and Protector of Their Liberties"—and hoped the House would go along. The House would not. "President," its members argued, was good enough. Several members, not wishing to appear reluctant in the distribution of appropriate titles, devised one for the portly vice president. Adams, who wore a side-curling wig on his balding head, was thereafter lampooned as "His Rotundity."[29]

While this bickering was going on, the president-elect was making his way to New York for the inauguration, set for April 30 in the Senate chamber. The senators assembled that morning to await the arrival of the House and the new chief executive. Everyone was a bit nervous and confused—not the least being Adams. Minutes before Washington was to arrive, the vice president again sought help from the senators:

> Gentlemen, I wish for the direction of the Senate. The President will, I suppose, address the Congress. How shall I behave? How shall we receive it? Shall it be sitting or standing?[30]

In the midst of the discussion that followed, the representatives arrived at the door. This raised the question as to how they were to be received. While the senators were trying to decide what to do, the representatives filed in and unceremoniously took their seats. Finally, preceded by drums and bagpipes, George Washington arrived and was escorted out onto the balcony where he took his oath of office. He then returned to the Senate chamber and delivered his inaugural address.

With this ceremony finished, Maclay rejoiced that at last the Senate could get down to the business of government, but it was not yet to be. Washington had hardly left the chamber when Adams brought up the matter of how the Senate should respond to the president's address. Their patience by then thoroughly tried, the senators agreed that it would be best for them to prepare a reply which they would deliver to the president at his residence.[31]

After several weeks of heated deliberation, senators agreed on the text of their response. On May 18, they traveled by carriage to Washington's house on Cherry Street. Maclay grumbled all the way but left us a good description of what followed:

> We made our bows as we entered, and the Vice-President, having made a bow, began to read an address. He was much confused. The paper trembled in his hand, though he had the aid of both by resting it on his hat, which he held in his left hand. He read very badly all that was on the front page. The turning of the page seemed to restore him, and he read the rest with more propriety. . . .
>
> The President took his reply out of his coatpocket. He had his spectacles in his jacket-pocket, having his hat in his left hand and the paper in his right. He had too many objects for his hands. . . . Having adjusted his spectacles, which was not very easy, considering the engagements on his hands, he read the reply with tolerable exactness and without emotion.[32]

On the surface, it may seem that the Senate was merely frittering away precious time in fussing over its relations with the president, but, as historian Forrest McDonald in his *Presidency of George Washington* noted:

> Beneath all this nonsensical ostentation and formality . . . lay some deadly serious jockeying for power. . . . The exaggerated deference toward the president was designed, at least in part, to ensure that if court politics developed, the senators would have first rank as courtiers. The exaggerated insistence on formality, on the other hand, was part of a design by the senators to protect their prerogatives against executive encroachment.[33]

One might conclude that the Senate's persistent claims to superiority over the House resulted in such bitterness that their interactions were suffused with mutual rancor, but that was generally not the case. Relations between the Senate and House during the First Congress were usually friendly. Joint committees, exchanged information, visits to each other's chambers, and social contacts all helped to promote good will. Nor is it true that the Senate spent the whole First Congress arguing over etiquette and form. Despite its foibles, the first Senate left behind a record of solid achievement, as we shall see.

When Washington replied to the Senate's response to his inaugural address, he told the members that he was ready and eager to join with them "in the arduous but pleasing task of attempting to make a nation happy." Both houses of Congress, dominated by strong Federalist majorities, set about this task with optimism.

The first order of substantive business in putting the machinery of the national government to work was the raising of the revenue to run it. In mid-May, the House passed a revenue-producing tariff bill and sent it to the Senate. The Senate added numerous amendments and sent the measure back to the House, which rejected nearly every one of them. In conference, a bill acceptable to both houses was finally hammered out and passed. This may sound routine to us, accustomed as we are to such negotiations. But imagine what it was like in 1789 to be truly feeling your way along—without precedent, without previous experience between these two houses—to face your colleagues in the very first bargaining session, where you felt the whole weight of the Senate's prestige at stake in your compromises.

With the promise of revenue, the House and Senate set up various executive departments. The first three were the Departments of Foreign Affairs (afterwards named the Department of State), Treasury, and War. Washington selected Thomas Jefferson as the first secretary of state, thirty-five-year-old Alexander Hamilton as secretary of the treasury, and General Henry Knox, who weighed three hundred pounds, as secretary of war.

Next, the Congress set salaries for everyone from the president down to the clerks of the departments. Washington had suggested, as was his arrangement during the Revolution, that he not be paid a salary. He was willing to be reimbursed only for expenses incurred in the line of duty. Many senators, however, recalled that those bills had been rather high and might go higher. Washington's liquor bill alone, for 1789, totaled almost $2,000. How much would that amount to in these days of high inflation? They decided to allot him $25,000 a year. The vice president received $5,000; the chief justice $4,000; associate justices of the Supreme Court and the secretaries of state and the treasury earned $3,500; the secretary of war was given $3,000; other judges, the attorney general, and the postmaster general were compensated at $1,500.[34]

Throughout the summer of 1789, the House and Senate struggled to agree on a set of amendments to the Constitution. These were intended to eliminate the misgivings of states, such as Virginia, which were already in the Union, as well as North Carolina and Rhode Island, which had refused to ratify the Constitution. In September, twelve amendments were submitted to the states. By December 1791, the required three-fourths of the states had ratified the ten amendments that became known as the Bill of Rights.

As the first session of the First Congress drew to a close in September, it was clear that much of the legislation it had produced had been initiated by the House and fine-tuned by the Senate. The Senate worked over House bills with great diligence. In the case of a bill regulating coastal trade, the Senate made 169 amendments. This was largely how the framers of the Constitution had viewed the Senate's role. But the Senate also made two major contributions of its own to the session. The first was the Senate's efforts to establish its "advice and consent" prerogatives. The second contribution was embodied in the Judiciary Act, which created the third branch of the government.

I think it would be well if senators in our day would go back and read the history of the Senate's efforts in that first session to establish its own advice and consent prerogatives. Perhaps we would be more clearly assured that the constitutional provision regarding advice and consent is not a pro forma requirement and that the Senate has a responsibility not to rubber-stamp the nominees of any president. It is a serious responsibility which gives the people of the United States, acting through their elected representatives in the Senate, the opportunity to reach a judgment on the basis of the merits and qualifications of each nominee as to whether that nominee should be confirmed or rejected.

The framers of the Constitution envisioned the Senate as an executive council to advise and restrain the president, particularly in the areas of appointments and treaty-making. Before the Senate had been in session two months, its powers were put to the test. In June, acting as temporary secretary of state until Thomas Jefferson could return from France where he was the United States minister, John Jay appeared before the senators to explain that President Washington desired their advice and consent to the appointment of William Short to replace Jefferson in Paris.[35]

The question seemed only to require a simple yes or no vote, but a controversy arose as to whether this should be by voice vote or by secret ballot. Maclay vehemently supported the secret ballot. A senator who openly voted against the president, he argued, would surely lose his place in the presidential sunshine or, conversely, might vote against his conscience to win the president's warmth. Oliver Ellsworth of Connecticut argued that secret ballots were the devices of, at best, the bashful and, at worst, the most "bad and unprincipled" men. Maclay's forces won, and by secret ballot, the senators declared their advice and consent to Short's appointment. This was but the first of several sparring matches between the president and the Senate in which the latter sought to make clear that its prerogatives were not to be trifled with by the former.[36]

In August, the question of voting methods arose again in regard to treaty approval. Washington notified the senators that he was coming to their chamber to seek their advice and consent to some Indian treaties. This time, despite objections, the senators voted that they would record their positions by voice vote. On Saturday, August 22, Washington and General Knox entered the chamber carrying the treaties which Vice President Adams read aloud to the assembled senators. "Carriages were driving past," reported Maclay, "and such a noise, I could tell it was something about 'Indians,' but was not a master of one sentence of it. Signs were made to the doorkeeper to shut down the sashes."

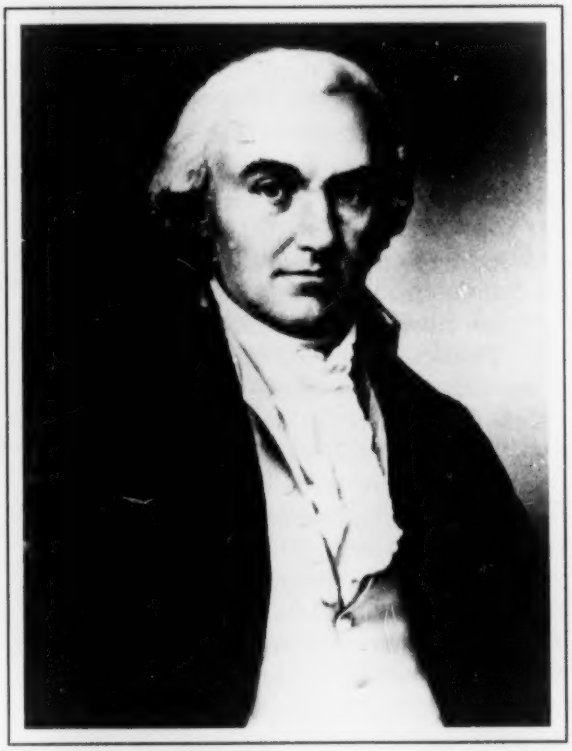
Adams asked the senators to give their advice and consent to the first article, but Senator Morris said it was so noisy that he hadn't heard the article and asked for a rereading. Adams obliged, but when he again asked for the senators' verdict, Maclay reports, "there was a dead pause." The senators had not been able to digest the material that quickly but were so in awe of having the president in their midst that they hesitated to ask him questions. Another reading was requested, but still the senators couldn't vote. Growing more bold, they voted to postpone their decision, and, finally, Morris moved that the treaties be referred to committee. Seeing "no chance of a fair investigation of subjects while the President of the United States sat there, with his Secretary of War, to support his opinions and overawe the timid and neutral part of the Senate," Maclay seconded the motion.

"As I sat down," Maclay noted, "the President of the United States started up in a violent fret. '*This defeats every purpose of my coming here*' were the first words that he said." Indeed, George Washington was right. The confrontation between the president and the senators had significance. This episode ended forever the idea that obtaining the Senate's advice and consent was merely a formality.[37]

Though the senators approved the treaties two days later, they had vigorously asserted their independence from the executive. Washington was deeply insulted. His first visit to the Senate was his last, establishing the precedent of presidential communications by written message.

While the importance of the Senate's treaty powers became more and more clear as years passed, the significance of the Judiciary Act was evident at once. The act was largely the work of three senators: Oliver Ellsworth of Connecticut, Caleb Strong of Massachusetts, and William Paterson of New Jersey. By coincidence, all three men were forty-four years old. Although Ellsworth was known for his copious use of snuff and his disconcerting habit of talking to himself, many of his colleagues regarded him as one of the shrewdest members of the Senate. In 1796, Washington would acknowledge the Connecticut senator's political and legal acumen by naming him chief justice of the United States. Paterson had led the fight of the small states at the Constitutional Convention. The year after the Judiciary Act passed, he resigned from the Senate to become governor of New Jersey. Three years later, Washington named him an associate justice of the Supreme Court he helped to create. Strong was another able lawyer whose seriously impaired eyesight, the result of smallpox, did not prevent him from rising to the top of Massachusetts' political ladder.[38]

The leading Antifederalists in the Senate, notably Lee and Grayson of Virginia, greatly feared a system of strong federal courts, viewing them as a threat to state sovereignty and the people's rights. Though staunch Federalists, Ellsworth, Paterson, and Strong could see the validity of such fears and



Oliver Ellsworth of Connecticut, an architect of the Judiciary Act, later became chief justice of the United States. *Library of Congress*

steered a middle course. They devised an intricate system of federal and state courts which shared judicial sovereignty and allayed Antifederalist fears. Their ingenious bill passed the Senate on July 17 and became law on September 24. Two days later, John Jay of New York was confirmed as the first chief justice of the United States.[39]

The second session of the First Congress convened on January 4, 1790. Four days later, Washington stood before a joint session in the Senate chamber to deliver his annual message which contained a long shopping list of proposals for legislation. Among them were a uniform system of weights and measures, procedures for naturalizing new citizens, and action on the proposals of the treasury secretary. Secretary Hamilton's proposals would occupy the Congress throughout the session, generate the bitterest debates thus far, and expose the first scandal to touch the House and Senate.

The tempest grew out of two of Hamilton's recommendations. The first was that the certificates of the Continental Congress, originally issued to soldiers and farmers who had supplied the army with goods, be redeemed at par value by a new issue of stock. Second, Hamilton proposed that state debts be assumed by the federal government in the same way.

The old certificates had long since depreciated to as low as fifteen cents on the dollar and, at that rate, most had been assigned to speculators by the impoverished soldiers and farmers. When Hamilton permitted advance information of his scheme to leak out, the rate quickly rose to fifty cents on the dollar. Suddenly, three swift ships set sail from New York's harbor carrying speculators to the South to buy up as many certificates as possible at the former price before the news reached the backcountry.

It was whispered that among the owners of these ships were members of Congress. Representative James Jackson of Georgia thundered from the House floor, "My soul rises indignant at the avaricious and moral turpitude displayed." So also rose the souls of his fellow citizens who had parted with their certificates for fifteen cents on the dollar! It was reported that the already wealthy Senator Robert Morris stood to make eighteen million dollars from the scheme. Maclay, always ready to believe the worst of his colleagues, confided in his diary, "I really fear the members of Congress are deeper in this business than any others."[40]

Maclay wrote that the Senate, having nothing else to do while the House was arguing over the certificate issue, adjourned early each day so that its members might go below and watch the heated debates. After almost a week of debate, led by pro-Hamilton Federalists, James Madison of Virginia offered what he felt was a just compromise which permitted both the speculators and the original certificate holders to earn a reasonable profit.

Maclay applauded Madison's proposal but lamented, "The opposition are governed by principle, but I fear in this case interest will outweigh principle." He was right; Hamilton's original funding measure passed the House and the Senate. In the months that followed, it was revealed that almost forty of the measure's most vocal supporters stood to profit from its passage. In the Senate, these included Robert Morris, Caleb Strong, John Langdon, Oliver Ellsworth, Pierce Butler, Rufus King, and Philip Schuyler, Hamilton's own father-in-law.

When Congress turned its attention to the problem of state debts, it immediately stumbled upon another hornet's nest. These also had been largely bought up by speculators—Senator Morris, for example, owning most of the outstanding debt of Virginia. In addition, mostly southern states with smaller obligations failed to see the justice of being taxed for the benefit of northern states with large debts. Hamilton and his forces encountered heated opposition which threatened to tie up the entire session.

Aid came to the Federalists from an unlikely quarter—Thomas Jefferson, the leader of the opposition. Jefferson later claimed that resolution of the impasse resulted from a deal he struck with Hamilton over dinner. Jefferson promised to use his influence to induce the southern states to support assumption in return for a promise that the nation's permanent capital would be placed somewhere along the Potomac. Recent scholarship has challenged Jefferson's memory and revealed a story far more complicated. Nevertheless, during June and July of 1790, several votes were changed, and Hamilton's assumption bill passed.

As important as assumption was, the other half of the compromise of 1790 was equally significant and represents the Senate's chief contribution to the second session of the First Congress. For a detailed discussion of the incredible behind-the-scenes wheeling and dealing that led up to the decision on the capital's permanent home, I am indebted to Kenneth Bowling, whose doctoral dissertation "Politics in the First Congress" contains an excellent chapter on the subject.[41]

Senators arrived in New York knowing that the residence question would likely be the most divisive issue to come before the First Congress. In the length of time it was before them; in the politicking it engendered off the floor; and in the number of seemingly unrelated areas, like assumption, into which it intruded, the residence issue surpassed all others. In a nation so aware of its sectional differences that it seriously speculated about the best place to divide itself into two countries, the problem had been a plague since 1783 and almost prevented the adoption of the resolution calling the new government into being in the summer of 1788.

Of course, the outcome of the months of bitter arguing and complex sectional maneuvering was the decision to move the capital to a site along the Potomac. But it came only after dozens of alternatives were discarded. Senator Morris ceaselessly lobbied for a site near Trenton on the Delaware River where, his enemies pointed out, he happened to own a large tract of land. As part of the final deal, while the new southern capital was made ready, Congress would move to Philadelphia for ten years beginning with the First Congress' third session.

Congress adjourned on August 12, 1790, and bade good-bye to New York City. Senator Maclay, always grumbling, was one of the very few senators who had found the city inhospitable. He claimed that in six months, he had not received a single invitation from a citizen of that city. More convivial members of Congress, however, were overwhelmed with attention.

Sectional politics, not the city's hospitality, were the prime factors in the Congress' decision to move on. When the members reconvened for their third session on December 6, 1790, they found that the influx of so many government officials had overtaxed Philadelphia's housing facilities. There were the usual complaints about high prices, but thrifty Maclay paid only three dollars per week for room and board, a dollar less than in New York.

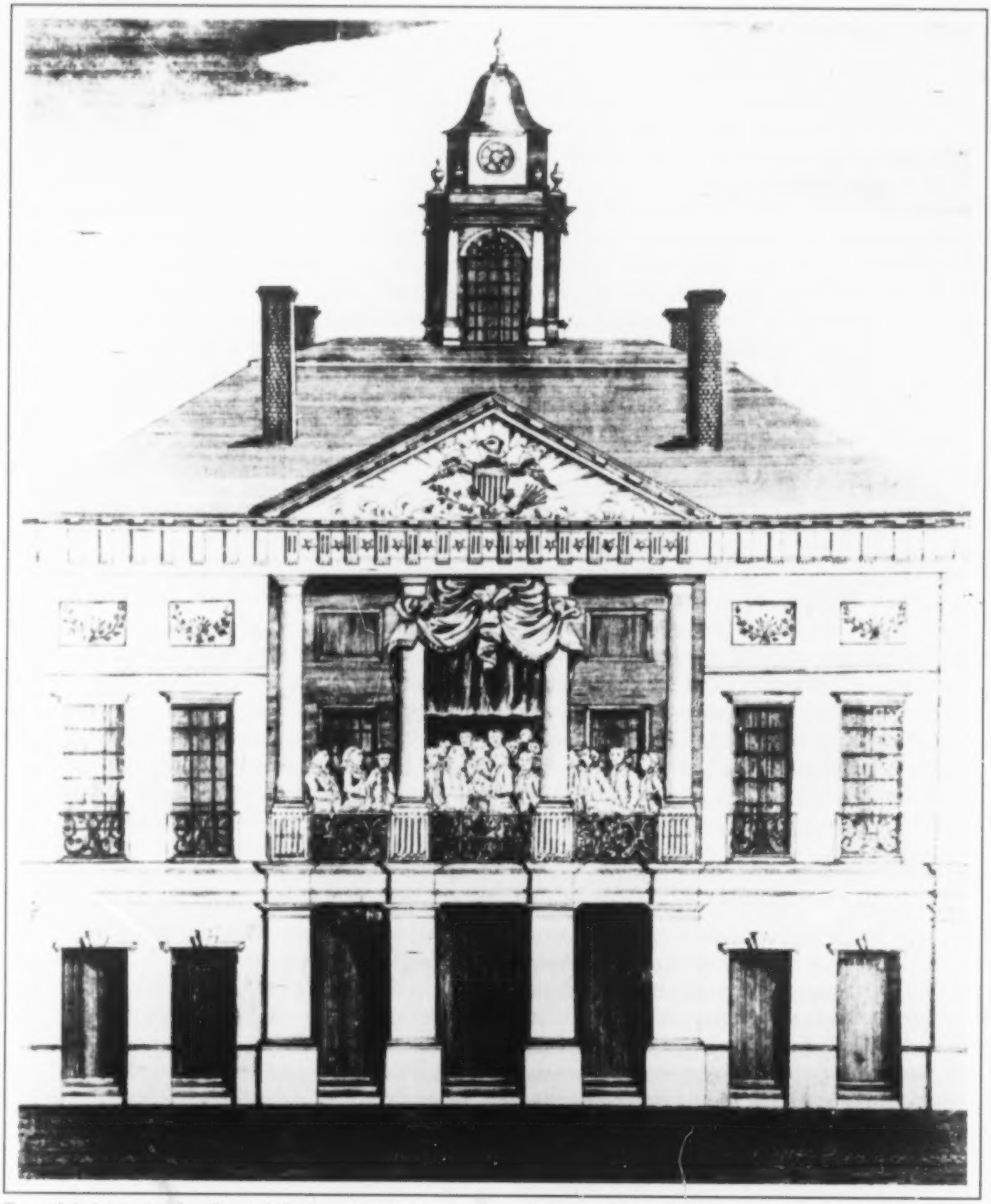
In his opening message to the third session, President Washington mentioned the military expedition of General Josiah Harmar to quell the Indians in the Northwest Territory. Although his audience did not yet know that Harmar's forces had met with disaster, they were briefly upset by what they considered a waging of war without a declaration by Congress. Soon, however, they became too preoccupied with two new economic reports from Hamilton to worry about Harmar and the Indians. The first called for chartering a national bank. The second recommended, among other levies, a tax on the producers of "spiritous liquors" which, though it passed, would set to brewing the discontent that later erupted into the Whiskey Rebellion in western Pennsylvania.

The national bank bill occupied most of the third session. To the extreme annoyance of Secretary of State Jefferson and the Antifederalists, Hamilton openly managed his supporters in the House and Senate. The bill's enemies argued that not only would the bill benefit northern commercial interests and the wealthy but it might also be unconstitutional. Despite these objections, the Federalist majorities in both houses carried the day. The measure's critics, however, succeeded briefly in raising doubts in Washington's mind about the bill. Faced with Hamilton's masterful rebuttal and the veiled threats of northern senators to reopen the issue of a southern capital, the president signed the measure.

Amidst the soft glow of candles and increasing factionalism exhibited by the debates over the bank bill, the First Congress came to an end on March 3, 1791. As the senators prepared to return to their homes, they could look back with satisfaction. Despite the peccadilloes of Adams and their own concern with proper etiquette, they had gotten a new nation on its feet and under way. They had witnessed the counting of the first electoral votes and the inauguration of the nation's first president. They made certain that the president understood that their constitutional powers could not be trifled with and had established precedents at every turn. They had set up the executive Departments of War, State, and the Treasury. While the senators had fine-tuned bills sent to them from the House, they had also initiated such major legislation as the Judiciary Act and hoped that they had finally resolved the residence question.

In addition to major legislation, the Senate considered many bills of a routine nature among the 144 measures that it received or initiated during the First Congress. Incidentally, of that number, the Senate passed 118 bills, of which 94 became public law. The very first public law was signed on June 1, 1789, and it provided for the administration of oaths to public officials in support of the Constitution. Other acts provided for the custody of the nation's official seal; construction of lighthouses; registration of sailing vessels; patents and copyrights; and the enumeration of the nation's population.

That first census, by the way, counted slightly under four million inhabitants, including approximately 700,000 men and women held in chattel slavery. The census revealed that Philadelphia was then our larg-



Remodeled in 1789 by Pierre L'Enfant to provide an elegant meeting place for Congress, Federal Hall, in lower Manhattan, housed the Senate on the second floor and the House on the first. *New York Public Library* est city and that the center of population lay twenty-three miles east of Baltimore. Based on the 1790 census, each member of the House would represent a district of approximately 33,000 persons (compared with an average of 515,000 as a result of the 1980 census). At the same time, the size of states represented by senators ranged from 59,000 in Delaware to 692,000 in Virginia, the nation's most populous state.

Mr. President, I shall conclude these remarks with a discussion of the chambers that housed the Senate of the First Congress. For a description of the first Senate chamber, in which members finally achieved their quorum, again I am most grateful to Dr. Kenneth Bowling of George Washington University's First Federal Congress Project for much of the information presented here.

The original Senate chamber was located on the second floor of New York's Federal Hall. Situated in lower Manhattan at Wall and Nassau streets, the building was originally constructed between 1699 and 1704. It had been remodeled in 1763. Although the structure had previously served primarily as New York's city hall, it had been used by other official bodies, including the court that tried John Peter Zenger in 1735, the Stamp Act Congress in 1765, and the Confederation Congress from 1785 to 1789.

Immediately after the Confederation Congress' decision on September 18, 1788, that the First Congress would convene at New York, the city's common council chose Pierre L'Enfant to oversee conversion of the building into an elegant meeting place for Congress. He made rapid progress, although he was not quite finished by April 6. During the Senate's first days, members had to accommodate themselves to the inconvenience of last minute cleanup work. Financed by lotteries and a special local tax, the conversion cost about sixty-five thousand dollars, excluding interest on private loans.

As reconstructed, Federal Hall measured 95 feet in width and 145 feet at its deepest point. From the front hall, one entered a central three-story vestibule which had a marble floor and an ornamented skylight under a cupola. Off this vestibule stood the House of Representatives chamber, a two-story, handsomely decorated room. Access to the upper floors was gained by two stairways in the vestibule, one of them reserved for members. The Wall Street side of the second floor consisted of a richly carpeted 40-by-30-foot, two-story Senate chamber and several smaller rooms connected to it.

The Senate chamber's most striking features were its high arched ceiling, tall windows curtained in crimson damask, fireplace mantels in beautifully polished marble, and a presiding officer's chair elevated three feet from the floor and placed under a crimson canopy. The ceiling was adorned in the center with a sun and—expressing optimism that North Carolina and Rhode Island would soon join the Union—thirteen stars. Noticeably absent from this ornate chamber was a spectators' gallery, as there was no intention that Senate proceedings would be open to the public.

The smaller adjacent rooms included the "machinery room" used to display models of inventions, the secretary of the Senate's office, and Senate committee rooms. Also on this side of the second floor was the balcony on which George Washington took his oath of office as president on April 30, 1789. At the back of the second floor were the two public galleries overhanging the House chamber. Little is known about the third floor, except that it contained several small rooms, one of which housed the New York Society Library. Federal Hall was torn down in 1812. In 1842, the U.S. government constructed on that site the Greek Revival building which today is known as the Federal Hall National Memorial.

While the new capital city of Washington was being built, Philadelphia became the temporary seat of government, and the second meeting place of Congress. There, on December 6, 1790, the First Congress assembled for its third session in the recently completed Philadelphia County Court House.

Built of red brick in the Georgian tradition, the Court House was two stories tall with a large bay window in the rear. A single large courtroom occupied the first floor, with a small courtroom and two other rooms on the floor above. While the House of Representatives met on the first floor, the Senate met in the smaller, but more elegantly furnished second-story chamber. Two smaller rooms, flanking the second-floor hallway, were fitted up as a Senate committee room and an office for the secretary of the Senate.

The most prominent feature of the chamber was the individual desks, constructed by Thomas Affleck, a local carpenter. At the dais, the vice president presided from a red leather chair beneath an impressive crimson damask canopy, lined with green silk. Adding more color were the vice president's table, covered with tassled green silk, lavish crimson curtains, and a beautiful carpet.

Unlike New York's Federal Hall, which was razed over a century and a half ago, I am happy to report that Congress Hall, as the Court House came to be known, still stands. It is beautifully restored and has become an important part of Independence National Historical Park.

Volume I of *Documentary History of the First Federal Congress* offers an excellent overview of the earliest Senate, which enables us to put its work into perspective and even further enhances my respect for our predecessors who met for the very first time 192 years ago. I close with this quote:

> The First Federal Congress convened in a time of national crisis. The first nation to win independence from a European colonial empire and a new nation less than a decade removed from its Revolution, the United States faced real dangers of falling into anarchy or despotism. In fact, the First Congress confronted in one form or another almost every problem that would rise to plague or threaten the Union of the States in the future: secession . . . States' rights, constitutional amendment, admission of new states, threat of war, military preparedness, inflation, depression, unfavorable trade balance and tariff reform, taxation, speculation, sectionalism, slavery, Indian affairs, veterans' pensions, congressional salaries, election irregularities, government support of science, government patronage of the arts, administration of public lands, and many others. Some of the problems it solved; some it merely postponed. Yet, despite its difficulties, the Congress survived, leaving to the future a sturdy foundation on which a great nation could build.[42]

CHAPTER 2

The Birth of Political Parties 1791–1800

June 4, 1981

Mr. President, the United States Senate is a political institution. Political parties and political issues are the very substance of our daily existence. The center aisle of this chamber divides the members of the two parties, and in the rear of the chamber are the entrances to two cloakrooms, one for Republicans and one for Democrats. This is a natural division, and we accept it as the normal way of operating in the Senate. Historically, however, the founders of this government, the authors of our Constitution, and the first members of this body did not anticipate or accept political parties and partisan divisions. Despite their resistance, such divisions grew quickly and, one might say, inevitably within the first decade of the government's existence.

As we know, men of good faith simply do not think alike on all issues. One's economic, social, or geographical situation predisposes an individual to interpret events differently and to see different solutions to the same problems. Personal jealousies, rivalries, antagonisms, and ambitions also contribute to the division of society into political factions, based on ideological or even irrational differences; and so it was during the first decade of the history of the United States Senate.

This was a tumultuous decade, which saw the first senator expelled from this body and the first to be denied a seat. At one point, war with Britain seemed inevitable; then war with the nation's closest ally, France, seemed certain. The ratification of the Jay Treaty gave the Senate the opportunity to exercise one of its most important constitutional powers, that of advice and consent, but, in the process, the debate nearly tore apart the young nation. The debate over the Jay Treaty, as with so many other explosive issues during the years from 1791 to 1800, revealed the birth of political parties as permanent institutions in the new Republic. The Federalists and Antifederalists, who had fought over the ratification of the new Constitution, now faced each other in the halls of Congress. This was the beginning of party politics in the United States.

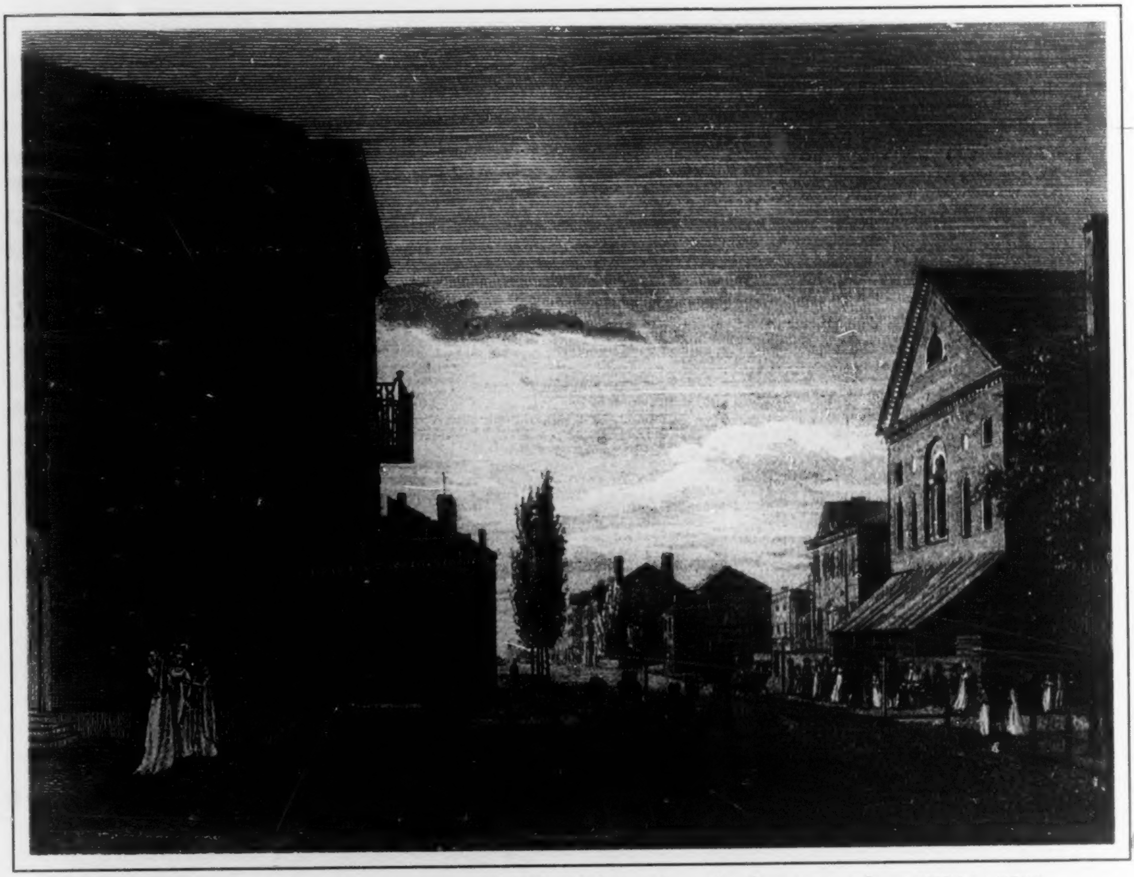
When the Second Congress convened in Philadelphia's Congress Hall on Monday, October 24, 1791, many familiar faces from the First Congress were missing. Of the senators who had drawn the short term, several had not been reelected by their state legislatures. Among them was William Maclay, whose bluntness had offended Pennsylvania's legislators once too often. Another was Secretary of the Treasury Alexander Hamilton's father-in-law, New York Senator Philip Schuyler, who had been replaced by the charismatic and ambitious young lawyer, Aaron Burr. In Massachusetts, Tristram Dalton was defeated by another rock-ribbed Federalist, George Cabot. New Jersey's Jonathan Elmer had accepted a judgeship and was replaced by Federalist John Rutherfurd. William S. Johnson of Connecticut had resigned over the summer to devote his full attention to the presidency of Columbia College, and Roger Sherman moved up from the House to replace him. A tremendous boost to the Antifederalist ranks was provided by the outspoken member from Virginia, James Monroe. Though he lost his first bid for election to the First Congress, he had been elected in December 1790 to fill the last few months of the term of William Grayson, the first senator to die in office. Monroe arrived in Philadelphia in October 1791, fresh from his election for a full six-year term and soon was consulting closely with Secretary of State Thomas Jefferson and House member James Madison to plan Antifederalist strategy.

The admission of Vermont as the fourteenth state of the Union had raised the number of senators from twenty-six to twenty-eight. Vermont's first two senators, Moses Robinson and Stephen Bradley, had both been soldiers in the Revolutionary War and active in Vermont's bid for statehood. Robinson, though not a lawyer, became the first chief justice of Vermont's supreme court and later governor. Bradley was one of the Green Mountain Boys who successfully wrenched the state away from the territorial claims of New York. Though defeated for reelection in 1794, Bradley returned to the Senate from 1801 to 1813, serving as president pro tempore in 1802, 1803, and 1808. During his first term in the Senate, he introduced the bill establishing a national flag of fifteen stripes and fifteen stars which flew over the land from 1795 until 1818.[1]

The commonwealth of Kentucky, having been carved out of Virginia in 1792, provided the reason for the fifteen-star flag. Kentucky's first two senators were John Edwards and John Brown. Edwards had helped guide Kentucky on its tortuous course toward statehood. As a reward, he was unanimously elected to the Senate, but rarely spoke and took little part in the deliberations in Philadelphia. Brown served under both Washington and Lafayette during the Revolution. During his twelve years in the Senate, serving as president pro tempore in 1803 and 1804, Brown actively represented his state's interests.[2]

Thirteen incumbents and four freshmen senators were present at the opening of the Second Congress, over which John Adams presided as vice president. Though he complained that "my country has in its wisdom contrived for me the most insignificant office that ever the invention of man contrived or his imagination conceived," he managed to cast twenty-two tie-breaking votes during his eight years in office, more than any vice president since.[3] The closeness of those votes suggests a rise in factionalism that the framers of the Constitution had hoped would be subordinated to an overriding interest in the national welfare. But a division into two combative political groups was now clearly evident.

There was growing distrust between those sympathetic to agricultural interests led by Jefferson, who feared a trend toward centralized, aristocratic government, and those of mercantile-financial sympathies led by Hamilton, who feared an excess of democracy. Staunch Federalist Paine Wingate of New



A view of Congress Hall, *left,* on Chestnut Street, Philadelphia, where the Senate met from 1790 to 1800.
Free Library of Philadelphia

Hampshire had foreseen difficult days ahead for the Senate even during the First Congress. Drawing the battle lines between North and South, he prophesied: "The jarring interests and the different views and habits of the northern and southern members will be the source of many inconveniences and difficulties. Necessity rather than affection will I presume keep us together awhile longer."[4]

Factionalism, so dreaded by Washington and the framers of the Constitution, stalked the halls in Philadelphia and could no longer be ignored. It threatened to divide the Congress, the cabinet, and the nation. In the Second Congress, few issues would be unaffected by the growing division. For the moment, the Federalists maintained their control over both the House and the Senate, but their hold was slipping.

The Antifederalists thought they saw their first opportunity to discredit the Federalists in connection with Indian battles on the frontier, which they charged were being conducted without congressional consent. The disastrous defeats of the federal forces at the hands of the Miamis, Shawnees, and Delawares presented the Antifederalists with the opportunity to order an inquiry, which they hoped would pin the blame squarely on Hamilton whose Department of the Treasury was responsible for army supply contracts. The Federalist majority, however, was able to quash the results of this first fishing expedition.

The Antifederalists fared better on the issue of apportionment, which was raised after the first census, dominated the first session of the Second Congress, and ended in the first presidential veto. After seven months of deadlock and acrimonious debate, the Federalist-controlled House and Senate agreed on a compromise bill. But Jefferson, Madison, and Attorney General Edmund Randolph convinced President Washington that the measure was unconstitutional, so he vetoed it. Jefferson reported that when the veto message reached Congress, "a few of the hottest friends of the bill expressed passion," but were unable to override the veto.[5]

At stake in these and the debates to follow, as each side saw it, was not just the issue at hand but the nation's future. The Federalist view was clearly stated in Hamilton's brilliant *Report on Manufactures,* submitted to Congress in December 1791. It outlined his plans for transforming the nation from an agricultural country into an industrialized, self-sufficient one. The *Report on Manufactures* served as a rallying point for Jefferson and his friends in Congress who found its proposals abhorrent.

With factionalism spreading, the first session of the Second Congress adjourned on May 8, 1792. The summer months saw the first clear signs of the storm that had been brewing ever since Hamilton had rammed through his whiskey tax. Protests arose in western Pennsylvania where farmers "reckoned their fluid wealth in Monongahela rye." Hamilton was quick to equate such resistance to the tax with treason against the national government. Opponents of the tax, led by young Albert Gallatin, saw it as misuse of federal power. For the time being, the result was an uneasy stalemate.

President Washington's first term was ending, and he longed to retire to Mount Vernon, but the schism in his cabinet loomed before him. Both sides begged him to remain at the helm. Secretary of State Jefferson also hoped to retire from the cabinet but could not leave Treasury Secretary Hamilton unchecked. Jefferson's supporters, the Antifederalists, now called themselves Republicans or Democratic-Republicans, to demonstrate their differences from the aristocratic Federalists. While the Republicans supported Washington's reelection, they plotted to unseat Vice President Adams. They had just about decided to support New York Governor George Clinton for the vice-presidency when the situation became confused by a new senator from New York, the ambitious thirty-six-year-old Aaron Burr.

Burr kept his political views a secret in those days and, as a result, was courted and suspected by both sides. Hamilton personally despised him. "As a public man he is one of the worst sort—a friend of nothing but as it suits his interest and ambition." Though born in New Jersey, grandson of the fiery theologian Jonathan Edwards and son of the first president of Princeton, Aaron Burr chose New York for his political base. His rise was spectacular. His methods, however, appalled more sober men. After one of his victories, a friend wrote that Burr's "twistings, combinations, and maneuvers to accomplish this object are incredible."[6]

When Burr entered the race for the vice-presidency, leaders of the Republican party quietly gathered in Philadelphia to settle the matter. Since many, like James Monroe, doubted Burr's integrity, they were unwilling to entrust him with party leadership. Emerging from one of the first smoke-filled rooms in our political history, they nominated the older, more reliable Clinton as their candidate. Burr acquiesced gracefully in public but complained bitterly in private. He would be heard from again.

When the electoral ballots were tallied on February 13, 1793, Washington emerged with 132 of the possible 136 votes. Adams with 77 beat Clinton's 50, Jefferson's 4, and Burr's 1. In the Senate, the Federalists retained their majority, 17 to 13, but had lost control of the House. On key issues, some 58 of the 106 representatives were likely to vote with the Republicans while 48 generally sided with the administration. Interest blocs would shift from issue to issue, but the stage was set for increasingly partisan battles in the Third Congress.

Shortly before the second session of the Second Congress ended on March 2, 1793, the Republicans had an early taste of victory. Largely at their insistence, Congress passed the Fugitive Slave Act which required the free states to return any escaped slave who crossed their borders. Though the act would create great controversies in the nation several decades later, it engendered almost no debate at this time, passing the Senate unanimously and the House of Representatives with a lopsided vote of 48 to 7.[7]

The elections to the Third Congress, which convened on December 2, 1793, made little difference in party representation. In the House, Theodore Sedgwick, put up for Speaker by the extreme Federalists, was beaten by the Republican-backed candidate, Frederick Muhlenberg of Pennsylvania. But all of the staunch Federalist leaders—Langdon of New Hampshire, Strong of Massachusetts, Ellsworth of Connecticut, King of New York, and Morris of Pennsylvania—were returned to the Senate. The Senate's Republicans were rudely reminded that they were still a minority when their most brilliant young newcomer, Pennsylvania Senator Albert Gallatin, who had replaced Maclay, was denied his seat by a strict party vote. The incident immediately focused national attention on the Senate, which had long been overshadowed by the more dramatic actions of the House.

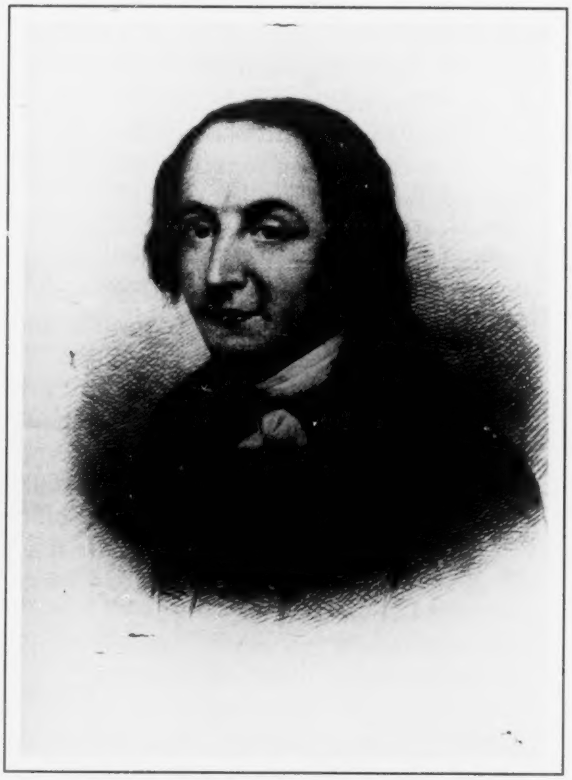
Keenly aware of the Swiss-born, thirty-three-year-old Gallatin's radical Republican sentiments, the Federalist senators were not about to welcome him into their midst. Gallatin had barely taken his oath of office when Vice President Adams laid before the Senate a petition protesting his election on the grounds that he had not been a citizen for the constitutionally required nine years. The petition was referred to a committee composed of five Federalists. In the meantime, Gallatin was allowed to take his seat, where he proceeded to delight Republicans and irritate Federalists by plaguing Treasury Secretary Hamilton with requests for details and information. Not surprisingly, the Federalist-dominated committee reported against Gallatin and the matter was brought before the Senate as a whole.

In those days, the Senate chose to meet behind closed doors, while the House was open for all to attend and observe its debates. For years, Senator James Monroe had been introducing bills to open the Senate's proceedings but, to that point, had been unsuccessful. When he tried again in February 1794 to open the doors for the Gallatin debate, the Senate reversed itself and agreed to admit the public. Despite the lack of a gallery, members of the public crowded into the Senate chamber for seven days to watch such Federalists as Rufus King spar with fellow New York Senator Aaron Burr, speaking for the Republicans.

The Federalists were not merely fighting over the principle of citizenship. They needed every vote in the closely divided Senate, and they wanted to remove an able enemy of Hamilton. At the last minute, Benjamin Hawkins of North Carolina, who had often supported the Republicans and upon whom Gallatin's friends depended, left Philadelphia to avoid casting a vote. The decision now rested on Pennsylvania's other senator, Federalist Robert Morris, who had promised Gallatin he would remain neutral. Party loyalists finally swayed Morris, and, on February 28, he joined his fellow Federalists in unseating Gallatin by a vote of 14 to 12. The young gadfly was gone from the Senate, but not from the government. A year later, he returned to Philadelphia as a member of the House, where he energetically led the Republican majority.[8]

For us, the debate over the seating of Albert Gallatin is most important for its opening of the Senate's doors to the public for the first time. As I noted in my earlier talk on the First Congress, the Senate had taken it for granted that its meetings would be closed, just as the debates of the Continental Congress and Congress of the Confederation were closed. Even though conducted behind closed doors, the Senate's proceedings were not entirely hidden from the public. The Constitution requires both houses to keep and publish journals of their proceedings, including votes of members when requested by one-fifth of those present. These early journals have been an invaluable resource in reconstructing the Senate's history. In addition, in 1792, the Senate directed its secretary to furnish a public newspaper with a copy of the *Senate Journal* at least once a week. Some senators, particularly the Virginians, also felt it was their duty to report about the Senate's activities to their state governments and to the outside world.

Such highly edited glimpses into the Senate chamber were hardly adequate to satisfy the public. Republican papers charged that the *Journal* was tampered with to suit the Federalist majority. Even if accurate, the *Journal* only occasionally showed yea and nay votes but never any of the debates, leaving the public to speculate as to a senator's motives. The closed doors of the Senate chamber also fed the suspicions of those who regarded it as a place where clandestine cabals were hatched against the public interest. The closed-door policy, said the Senate's detractors, was part and parcel of an ominous movement, which included efforts to elevate the Senate over the House, to establish aristocracy in America. As one critic sarcastically noted, "The PEERS of America disdain to be seen by vulgar eyes: the music of their voices is harmony only for themselves, and must not vibrate in the ravished ears of an ungraceful and uncourtly multitude."[9]



Albert Gallatin's Swiss birth was used by Federalists to deny the young Pennsylvanian his seat in the Senate in 1794. *Library of Congress*

Those who did not regard the Senate with suspicion often totally ignored it in favor of the House. The debates there could be read in the daily press. The widespread disregard for the Senate is clear in these lines from a newspaper in Carlisle, Pennsylvania:

> It matters little to the public who presides in the Senate: They do not choose to let the public know any thing about the reasons of their political conduct; the public may therefore trouble themselves little about them, except [if] it be to watch them with a jealousy and try to get rid of them as soon as possible; it is but little good ever they did, and but little good they can do, but they may do much evil.[10]

Why, in view of its negative impact on the Senate's reputation, was the closed-door policy maintained? Opponents of public sessions argued that opening the doors would promote oratorical pyrotechnics for the benefit of the gallery and press and would interfere with the expeditious performance of public business. Sometimes, the Senate's business was interrupted by the noise of clapping, striking of canes on the floor, and cries of "Bravo!" from the House gallery one floor below. Answering the argument that open doors promoted a healthy national dissemination of debates, advocates of continued secrecy noted that press reports of House debates were notoriously inaccurate.

As historian Roy Swanstrom noted in his study of the Senate from 1789 to 1801, there was a close correlation between the closed-door policy and the Federalist belief that government ought to be clothed in a dignified aloofness, responsible to the people but not constantly under their close scrutiny. The issue, however, was not entirely party-inspired, as strong Federalists like Rufus King and Philip Schuyler consistently supported open sessions. The controversy surrounding Albert Gallatin's eligibility presented the opportunity to pry open the Senate's doors, if only temporarily. Gallatin's case placed the Senate in a delicate situation. A state's right to choose its own senator was being questioned. Furthermore, the American people were very sensitive to even the appearance of star chamber proceedings against the rights of any individual.[11] The Federalist majority could ill afford the extreme criticism sure to follow any unseating of Gallatin in secret. Thus, on February 11, 1794, they voted to open their doors—but only for Gallatin's hearing.[12]

The doors to the Senate quickly slammed shut after Gallatin's fate was decided, but the motion to shut the doors again was passed by its closest margin, 14 to 13. The affable Senator Stephen Bradley of Vermont saw that the fate of the policy lay in his hands. Though he had previously voted with the Federalists to keep the doors closed, he had no deep convictions about the matter and decided to vote to open them at the next opportunity. Realizing that Bradley's vote would give the open-door senators the victory, four other New England Federalists—Theodore Foster of Rhode Island, John Langdon and Samuel Livermore of New Hampshire, powerful Oliver Ellsworth of Connecticut, along with Delaware's Senator John Vining—jumped on the bandwagon. On February 20, 1794, the vote to finally open the Senate's doors was 19 to 8.[13] The struggle had been a long and bitter one. After listening to the abuse heaped on some of his Federalist friends, Vice President Adams commented, "What the effect of this measure, which was at last carried by a great majority, will be, I know not; but it cannot produce greater evils than the contest about it, which was made an engine to render unpopular some of the ablest and most independent members."[14]

It would still be almost two years before the Senate galleries could be built and a permanent open-door policy put into effect. No hammers were heard in Congress Hall until the fall of 1795. The galleries were completed for the first session of the Fourth Congress on December 7, 1795, and the public finally admitted.

What was the reaction when the Senate's doors were thrown open? It was not as great as we might suspect. No hordes rushed through to view the senators at work. The sight of two dozen urbane gentlemen courteously discussing the issues of the day could hardly compete with the boisterous eloquence downstairs in the House. Nevertheless, the decision to open the Senate's doors to the public was an important one. It did not bring the Senate into great public favor but removed an irritant that had long alienated the Senate from the public.

Years later, a witness to those early public meetings published a colorful account of the 1796 Senate, which I should like to quote at this point:

> Among the thirty Senators of that day there was observed constantly during the debate the most delightful silence, the most beautiful order, gravity, and personal dignity of manner. They all appeared every morning full-powdered and dressed, as age or fancy might suggest, in the richest material. The very atmosphere of the place seemed to inspire wisdom, mildness, and condescension. Should any of them so far forget for a moment as to be the cause of a protracted whisper while another was addressing the Vice-President, three gentle taps with his silver pencilcase upon the table by Mr. Adams immediately restored everything to repose and the most respectful attention, presenting in their courtesy a most striking contrast to the independent loquacity of the Representatives below stairs, some few of whom persisted in wearing, while in their seats and during the debate, their ample *cocked* hats, placed "fore and aft" upon their heads.[15]

With the Gallatin issue settled, the Senate turned its attention to other matters. Hitherto, Congress had concentrated almost entirely on domestic problems, but, with dramatic suddenness, foreign affairs took center stage during the Third Congress. During the nine-month recess that followed Washington's second inauguration, the French Revolution reached its bloody climax. The repercussions were worldwide. In America, the Revolution accentuated the issue of the division of powers between the president and Congress. It also widened the gap between the Republicans, who deplored the execution of the king but supported the French people, and the Federalists, who feared that French radicalism would spread to America.

When war broke out in Europe, the United States found itself in a delicate situation vis-à-vis the main belligerents: France, its close ally in the American fight for independence; and Britain, whose powerful navy controlled the seas and with whom America had a flourishing trade. President Washington was sufficiently alarmed to return to Philadelphia from Mount Vernon and summon his cabinet. Hamilton, boldly intruding into the area of foreign affairs, drew up a declaration of neutrality for Washington to issue. Secretary of State Jefferson, not a little annoyed by Hamilton's brazenness, claimed that only Congress could constitutionally make such a declaration. Washington decided to steer a middle course, issuing a statement which did not officially declare neutrality but proclaimed friendship to both warring powers. No one, not even Jefferson, thought Congress had to be called into session to approve the proclamation—setting a precedent for executive initiative in foreign relations which Washington and future presidents would increasingly assert.

Notwithstanding the president's declaration of neutrality, pro-French democratic clubs sprang up in many cities. At first, they hailed the arrogant French minister, Citizen Genêt, who blatantly fitted out French privateers in American ports and stirred up sentiment against Washington. Eventually, however, Genêt's rudeness and meddling in American affairs embarrassed even Jefferson and the Republicans, who acquiesced to Federalist demands for his recall.

By the time the Third Congress convened on December 2, 1793, Jefferson was tired of the political infighting and Washington's preference for Hamilton's opinions over his own and was determined to retire. On January 4, 1794, he finally resigned and rode off to Virginia but, before he left, submitted to Congress his long-awaited report on American commerce. Basically, the report urged favoritism toward France and restrictive trade measures against Britain. His proposals were exactly the opposite of those of Hamilton who fumed that Jefferson "threw this FIREBRAND of discord into the midst of the representatives of the states . . . and instantly *decamped* to Monticello."[16]

As Hamilton predicted, Jefferson's report did cause quite a stir in Congress. Republicans embraced it and Federalists denounced it. While the Federalists held on to a majority in both chambers, they worried that a new wave of extreme anti-British sentiment would wipe away their leadership. Though the Senate had as yet no standing committee on foreign affairs, five of the strongest Federalist senators—Ellsworth, King, Strong, Cabot, and Morris—served as an unofficial advisory body to the president on such matters. They urged Washington to send an envoy to England to negotiate a treaty ending the threat of war.[17]

Monroe and Virginia's other senator, John Taylor, led the Republicans in the Senate in objecting strenuously, but futilely, to the proposal, particularly to the suggestion that the obviously pro-British Hamilton represent the United States in the bargaining. Hoping to mollify them, Washington selected Chief Justice John Jay for the mission but found that the Republicans distrusted Jay almost as much as they did Hamilton.

After three days of debate, on April 19, 1794, Jay was confirmed by the Senate as envoy extraordinary by a margin of 18 to 8, and soon sailed for England.[18] The Senate had not been consulted as to the instructions he carried with him. Attorney General Edmund Randolph believed this an abridgment of the Senate's rights, following the custom that a treaty negotiated by a nation's representative acting in compliance with his instructions must subsequently be ratified, but his advice was ignored in the cabinet. The Senate's Republicans could only wait for Jay's return and look forward to the battle sure to erupt over any agreement he reached.

The first session of the Third Congress adjourned on June 9, 1794. Over the summer recess, the storm long brewing over Hamilton's whiskey tax finally erupted in western Pennsylvania. Farmers, urged on by the pro-Republican democratic clubs, took their shotguns down from the wall and announced they would resist to the death the infringement of their right to brew and sell what they pleased. Washington and Hamilton agreed that such resistance to the national government was intolerable, and the president ordered up thirteen thousand militia troops to march west to quell the Whiskey Rebellion.

The rebellion evaporated at their approach. Hamilton could round up only twenty suspects, and the two who were finally convicted were eventually pardoned by Washington. This tempest in a teapot outraged the Republicans who believed it was manufactured by Hamilton to demonstrate the need for a standing army and to extend federal authority over the west. Jefferson sarcastically summed up the Republican position, "An insurrection was announced and proclaimed and armed against but could never be found."

Washington felt compelled to defend his Pennsylvania actions in his fifth annual address to the Congress on November 3, 1794. In the midst of a fairly even-tempered account, he shocked the Republicans by including a strong denunciation of the democratic clubs and other "self-created societies." The Senate, which had fallen into the subservient habit of replying to presidential messages by repeating their phraseology, balked this time. Burr of New York and Jackson of Georgia moved to expunge Washington's offensive diatribe from the Senate's response.

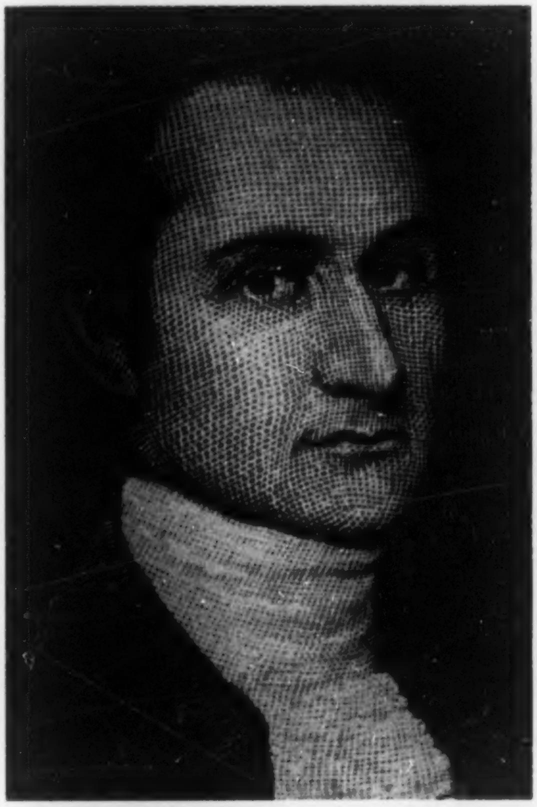
Though the Federalists overrode Burr's and Jackson's objection, Washington's outburst could not be ignored. As Alvin Josephy has noted in his *History of the Congress of the United States,* it was no coincidence that the issue of the limit of federal power came to the forefront when it did. It reflected the Federalists' impatience with opposition and their belief in the right of the federal government to take whatever measures it deemed necessary to maintain security. It also confirmed what Republicans had long suspected: that the Federalists were no longer the revolutionaries they had been when they swore in the Declaration of Independence to acknowledge the "Right of the People to alter or to abolish" the government if they deemed it oppressive. Now that they were in charge, they had adopted the view that the government had an unrestricted right to squelch any challenge to its continued existence. President Washington, until that time viewed as above criticism, had clearly damaged his carefully nurtured public image by descending from his lofty pinnacle into the partisan fray.[19]

The issue that would bring the opposing philosophies of federalism and republicanism to a head was the Jay Treaty. It aroused partisan passions to a more fevered pitch than any other issue of the closing years of the eighteenth century. As the second session of the Third Congress opened, John Jay was still in England. The nation grew uneasy as weeks passed with no word on his progress. Finally, in January 1795, news arrived that he had signed a treaty with the British on November 19, but it was not until March 7, four days after the end of the Third Congress, that the first copy of the treaty finally reached Philadelphia.

The terms of the Jay Treaty were complicated. In the long run, there was much in the treaty that would benefit the nation but even more to anger Republicans and disappoint some Federalists. Partisan newspapers led the attack with column upon column of vitriolic denunciation. Pamphleteers vied with one another in a contest of invective. Names of former heroes were dragged through the mire of public abuse. Copies of the treaty were publicly burned. Jay was hanged in effigy. Speakers were stoned.

President Washington waited just long enough for some friendly senators, newly elected to the Congress, to take their seats before calling the Senate into special session on June 8, 1795, and submitting the treaty for ratification. Washington had kept the terms of the treaty a strict secret. After receiving it, the Senate's Federalist majority defeated two proposals to reveal its terms to the public and debated the treaty behind closed doors. Hamilton was now a private citizen, having resigned from the cabinet in January, but continued to guide the Federalist senators. Burr, speaking for the Republicans, condemned the treaty and moved to reopen negotiations. After two weeks of bitter debate, the Federalists crushed all the Republican maneuvers to defeat the treaty and, finally, on June 24, 1795, by exactly a two-thirds majority, approved the pact.[20]

Five days later, Virginia Senator Stevens Mason, the thirty-five-year-old Republican lawyer who had filled Monroe's vacated seat, triggered a national explosion. He gave his copy of the still-secret treaty to the editor of the *Aurora,* a Republican newspaper, for publication. Though hints of the treaty's



John Jay was hanged in effigy throughout the young nation as public outcry over the Jay Treaty mounted.
Library of Congress

contents had been leaking out ever since it had arrived, the actual text of the treaty confirmed the Republicans' worst fears and touched off furious demonstrations.

The printing of the actual treaty unleashed a fury against it which, said Washington, was "like that against a mad dog." At first, the outrage was directed at Jay, "the arch-traitor," who had negotiated the "humiliation," but the senators who had approved it soon received their own share of the obloquy. One handbill claimed, "The Senate have bargained away your blood-bought privileges for less than a mess of pottage." A mass rally in South Carolina resolved that Jacob Read and the other nineteen who voted for ratification had rendered themselves unworthy of the public trust. There were rumors that the votes of some senators had been bought. According to gossip, Senator James Gunn of Georgia had voted for the treaty in exchange for the ending of a congressional investigation into a Georgia land speculation scandal. Others claimed that Read had been bought off with fifteen hundred British pounds.[21]

In some cases, attacks on senators did not stop with just words. At the end of July, an angry mob marched on the Philadelphia home of Pennsylvania Senator William Bingham, burned a copy of the treaty, pelted the house with stones, and broke several windows. In Kentucky, the legislature denounced Senator Humphrey Marshall and called for a constitutional amendment to enable states to recall their senators. Condemnation did not stop there. Marshall, an arrogant Federalist in a strongly Republican state, not only had the temerity to vote for the treaty but also named his eldest son John Jay. He was burned in effigy, vilified in print, and stoned in Frankfort. Only some very fast talking saved him from an ignominious dunking in a muddy river.[22]

Meanwhile, the "virtuous and patriotic ten," who had voted against the treaty, were widely toasted on the Fourth of July for their refusal to sign this "death warrant of America's liberty." The name most loudly acclaimed, when Republican glasses were raised high, was that of Stevens Mason, the senator who had first revealed to the light of day what had transpired in the dark, secret recesses of the Senate chamber.[23]

When Washington, after much hesitation and wavering, finally signed the treaty, he joined Jay and the Senate majority as the object of public vilification. Critics charged that the president and the Senate wished to form an oligarchy bent not only on foisting a disastrous treaty upon the nation, but also on subverting the liberties of the people and making themselves supreme. Washington was portrayed as His Columbian Majesty, with the senators serving as his courtiers.

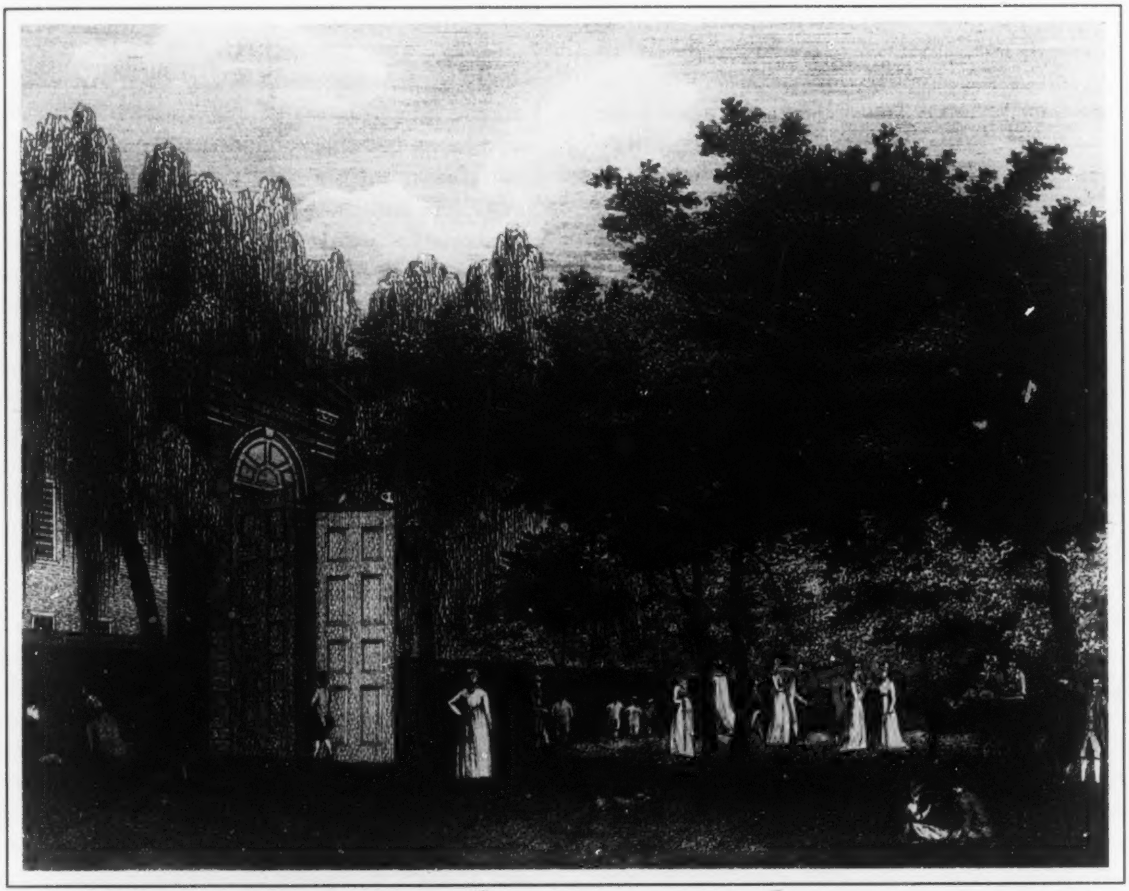
When the Fourth Congress convened, action on the treaty shifted from the Senate to the House. At that time, the House was attempting to maintain that it had a role in approving any treaty that required the appropriation of funds. This clearly blatant effort to usurp the Senate's treatymaking role came to nothing. The senators were undoubtedly glad to see the spotlight shift. Their endorsement of the Jay Treaty had not only subjected them as individuals to bitter reproach but had also brought the Senate as a whole to a new nadir of unpopularity.

The Fourth Congress opened on December 7, 1795. The doors to the Senate chamber swung open to admit the public to the new gallery. Few took advantage of the new opportunity, as the rousing House debates over possible impeachment of Washington, which took up the entire first session, provided a far greater spectacle. Though Washington's forces rallied at the last minute to save him from public embarrassment, he had had enough of public life. During the summer recess in 1796, he prepared his moving farewell address to the nation, which we read every year in this chamber on the day honoring his birth. In his address, Washington cautioned against permanent foreign alliances and internal divisiveness, but his warning about the latter came too late. Washington's retirement precipitated the first contested presidential election and exacerbated the country's political schism.

The Federalists nominated John Adams and Thomas Pinckney; the Republicans, Thomas Jefferson and Aaron Burr. The Federalists' slogan was Peace and Prosperity; the Republicans', The Rights of Man. Jefferson, however, foreseeing particularly stormy weather ahead, was uneager for office at this time and did little to promote his candidacy. Adams' victory would have been a foregone conclusion had not Hamilton secretly tried to promote Pinckney from second to first place, thereby splitting the Federalist vote. As a result, Adams beat Jefferson by a narrow margin of three votes. Jefferson, archenemy of the Federalists, gained the second highest number of electoral votes, thus becoming vice president. For the next four years, Jefferson, totally on the outside of the Adams administration, confined himself to his single constitutional duty of presiding over the Senate. After watching the Senate debates occasionally dissolve into chaos before him, Jefferson set about writing a manual on Senate rules. Privately, he gave counsel to the Republicans and bided his time.

The polarization of political life was also reflected in the social life in Philadelphia. As political feuding heated up, hosts and hostesses needed to be careful when drawing up their guest lists to avoid inviting men who might come to blows over the oysters. Despite the pressures which weighed upon the nation in the 1790's, social Philadelphia wore an air of gaiety quite out of keeping with its reputation for Quaker simplicity. Some likened the endless social whirl to "fiddling while Rome was burning." Others, like Abigail Adams, wife of the vice president, were more impressed. She wrote to her sister that the winter of 1792 was "one continued scene of Parties, upon Parties, Balls and entertainments equal to any European city." [24]

Senators enjoyed a full share of this lavish life—too large a share, according to one New Jersey senator who wrote his wife, "There is more gaiety here, than I wish to partake of—I feel myself in fashion contrary to my own inclination." [25] Other senators disagreed and did much to make the social whirl even more feverish. Pennsylvania Senators Robert Morris and William Bingham, two of the richest men in the nation, each owned splen-



Philadelphia's social elite gathered at their leisure in the State House Garden, 1800. *Free Library of Philadelphia*

did houses in Philadelphia where they entertained in style. Morris lent his four-story city home on High Street to George and Martha Washington. Maryland Senator John Eager Howard's father-in-law, Benjamin Chew, was the scion of one of Philadelphia's leading families and lent Howard his baronial townhouse and country estate for parties. Senator Pierce Butler of South Carolina, described by his enemies as a "Democrat but no democrat," entertained his fellow southern congressmen in the grand house he rented. The wily Aaron Burr also lived and entertained in style.[26]

Eventually, party lines became so sharply drawn that even such prominent men as Oliver Ellsworth and James Madison barely saw one another socially. When, as an old man, Madison was asked to recount personal anecdotes about Ellsworth, he replied that "as we happened to be thrown but little into the familiar situations which develop the features of personal and social character, I can say nothing particular as to either." [27] Some did manage to cross the battle lines. Republican Senator James Monroe was known to dine in the home of the Federalist senator, William Bingham.

Since the Federalists' strength was concentrated in the North and the Republicans' in the South, social life took on a sectional as well as factional flavor. Again there were crossovers. When Federalist John Langdon of New Hampshire first came to the Senate in 1789, he shared lodgings with three other New England Federalists. But Langdon gradually began to drift, both socially and politically, into the Republican camp and eventually joined a group of southern Republicans who took their meals together in Philadelphia at Marache's on North Fourth Street. Langdon even became president of the Marache's Club. Meetings were devoted to eating good food and plotting the downfall of the Federalists.[28]

One uninvited guest in Philadelphia who cared nothing for party lines was the yellow fever which struck with deadly force three times during the decade the Senate resided in Philadelphia. In 1793, President Washington considered special legislation to move the Congress elsewhere, but cooler weather ended the epidemic. During its next deadly visit in 1797, it was feared that afflicted visitors would fill the galleries and infect the Senate and House. In 1798, the entire East Coast suffered the fever's scourge, which claimed an average of seventy lives a day in Philadelphia.

President Adams managed to avoid the yellow fever as did most of the senators, but they suffered from the nation's patriotic fever, aroused by France's arrogance. Adams thought it best to call the new Fifth Congress into a special session on May 15, 1797. The Fifth Congress was almost evenly divided between Federalists and Democratic-Republicans. On most issues, however, the Federalists could muster a slim majority in the House and a broader one in the Senate. Many veterans of earlier battles were gone from the Senate chamber. The New York legislature, again in the control of the Federalists, ousted Burr and returned Philip Schuyler. Two staunch Hamiltonians, Ellsworth of Connecticut—who, like Jay, had become chief justice of the United States—and Strong of Massachusetts were also gone, but Massachusetts' new senator, Theodore Sedgwick, would help lead the Federalists.

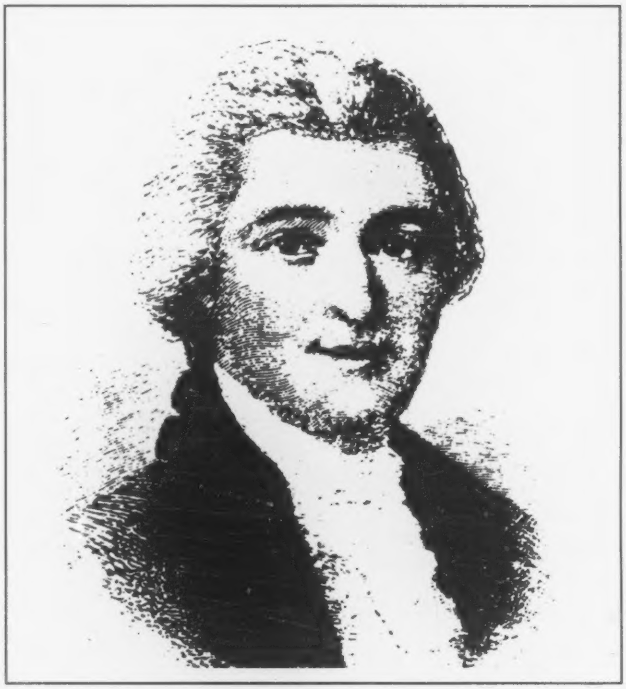
Adams informed the special session that he was sending a three-man commission to Paris in an attempt to avoid hostilities. His appointments—Charles Cotesworth Pinckney, John Marshall, and Francis Dana—were quickly confirmed by the Senate.[29] Adams also requested Congress to pass measures necessary for national defense in case negotiations failed. By July 10, when the special session ended, the Federalists in the House and Senate appropriated funds for port and harbor fortifications and three frigates and increased the militia with only feeble opposition from the Republicans.

In the Senate, the most important incident of that special session was the first expulsion of one of its members. Senator William Blount of Tennessee, a signer of the Constitution and a land speculator, had conspired to wrest New Orleans from Spain with the help of the Creeks and Cherokees and turn it over to the British. The evidence was conclusive, and Blount was expelled by a near unanimous vote of 25 to 1, the only nay vote coming from Senator Henry Tazewell of Virginia.[30] The Blount case set many precedents, the most important of which was the Senate's objection to a House effort to impeach Blount. The Senate ruled that its members were not civil officers and thus not impeachable. Blount's expulsion did him no harm in Tennessee, where he was elected speaker of the state senate. A few months later, Blount had the satisfaction of seeing his protégé, Andrew Jackson, seated in the Senate. In September 1797, the tall, young backwoods lawyer, who wore his long hair in a cue tied with an eelskin, was elected to fill the seat vacated by Tennessee Senator William Cocke.[31]

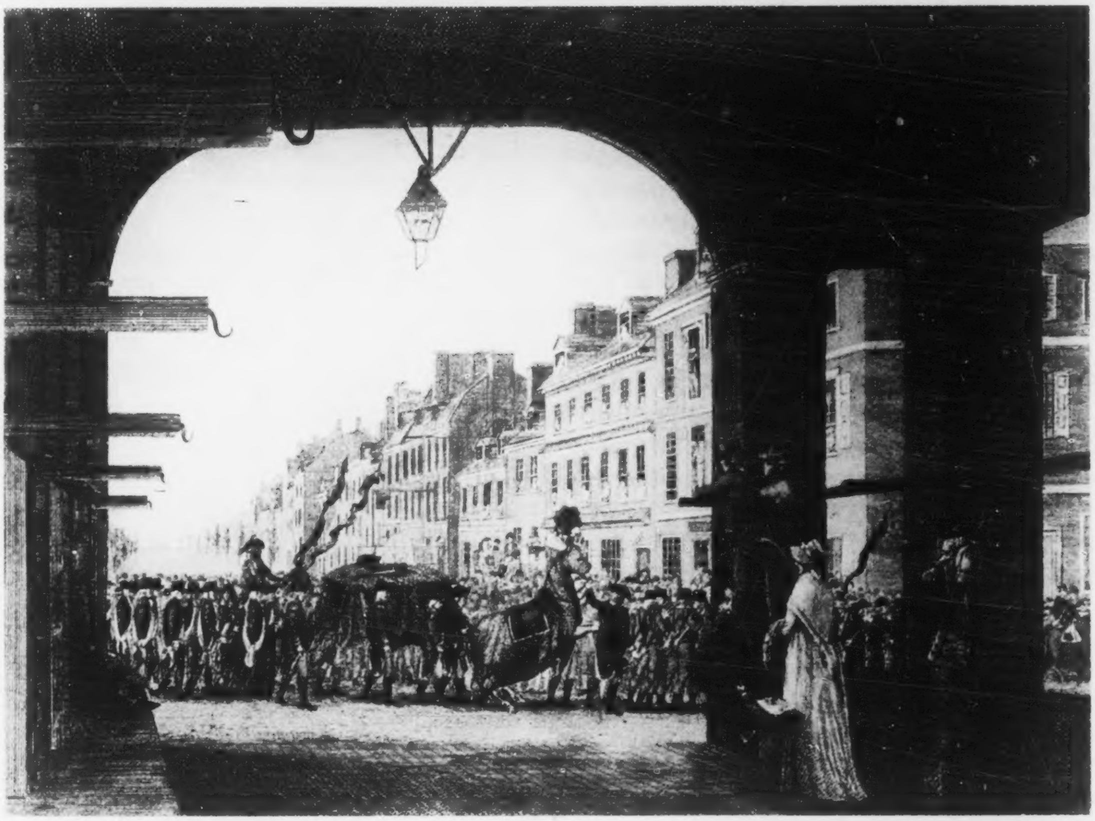
When the second session of the Fifth Congress assembled on November 13, 1797, there was no word from the three envoys in Paris. Adams renewed his requests for additional land and sea protection, and both the Senate and House worked along on measures for the public defense until March, when the first dispatches from France arrived. The decoded dispatches told a sordid tale of bribery and insult by three French agents, who became known to the public as *X, Y,* and *Z.* Overnight, the nation turned from pacifism to militarism. Crowds took up the reply which Pinckney reputedly gave the French emissaries, "Millions for defense, but not one cent for tribute." Suddenly, in a complete reversal of the political situation of only a year past, to be a Federalist was now patriotic; to be a Republican, treasonous.

The Federalists, smarting under years of Republican invective, were fully prepared to ride the tidal wave of anti-French sentiment into a new era of power for their floundering party. In the changed situation, the Senate enjoyed a new and unfamiliar status of popular esteem. Having allegedly "sold the nation down the river" with the Jay Treaty, the Senate now emerged as the champion of national honor and interest. Its arch-Federalist members—notably Theodore Sedgwick and Benjamin Goodhue of Massachusetts, George Read of South Carolina, and Uriah Tracy of Connecticut—regarded the situation as a heaven-sent opportunity to strike at the French and their American sympathizers.

Besides pushing through the series of war measures, abrogating the treaty with France, raising an army and enlarging the navy, the Federalists in the Senate also passed four bills of great historical importance, designed to crush all domestic resistance to their policies, which became known collectively as the Alien and Sedition acts. Senators James Hillhouse of Connecticut and James Lloyd of Maryland were the primary instigators behind these sweeping acts which passed the Senate with wide margins. Among their most repressive provisions, the Alien and Sedition acts raised the term of residence necessary for citizenship from five to fourteen years, empowered the president to arrest and deport any alien considered dangerous to "the peace and safety of the United States," and authorized the imprisonment for up to two years of anyone, citizen or not, convicted of writing, publishing, or speaking anything "false, scandalous, and malicious" against the government. Though they either expired or were repealed within the next four years, these acts were the most intolerant ever passed by the Senate and represented suspicion and division within the nation. By the end of the second session of the Fifth



In 1797, William Blount of Tennessee became the first member to be expelled from the Senate.
New York Public Library

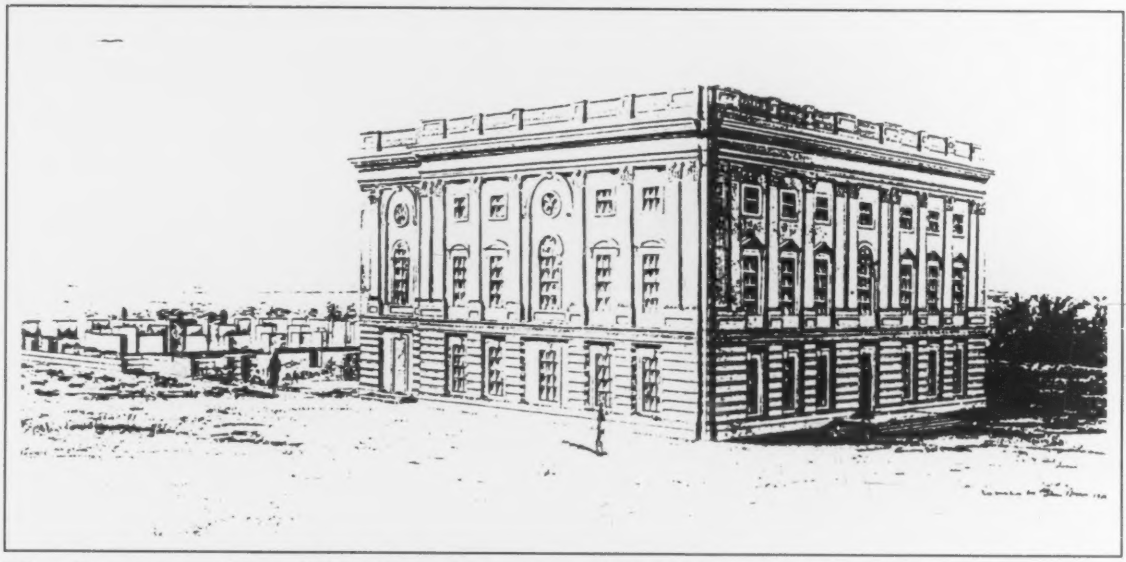


Eight days after George Washington's death at Mount Vernon on December 14, 1799, Philadelphia mourned him with a procession along High Street. *Free Library of Philadelphia*

Congress, threats of imprisonment and the futility of protest had reduced the Republican voice in the Senate to a mere whisper.[32]

The third session of the Fifth Congress convened on December 3, 1798. To the surprise of many of the lawmakers, war with France had not yet come, but there were wild rumors afloat of French-inspired slave insurrections. There were also visible signs of a split within the Federalist party, between the warhawks and the moderates. President Adams chose to side with the moderates. On February 18, 1799, he made his decision to negotiate rather than fight with France and submitted to the Senate the nomination of the moderate Federalist William Vans Murray to be minister to France.[33] The extreme Federalists were horrified. Overnight, the party split apart. When a delegation of ardent Federalist senators called on Adams to tell him that they would not vote to confirm Murray, Adams sent them fleeing by threatening to resign and turn the presidency over to Vice President Jefferson. In September 1800, Adams got what he wanted: a treaty with France ending the undeclared war and reestablishing friendly relations.

The Fifth Congress ended on March 3, 1799. During the summer, war fever abated, but not so greatly that the nation was ready



When Congress moved from Philadelphia to the new city of Washington in 1800, the Capitol Building was still under construction, forcing both houses to meet in the north wing. *Architect of the Capitol*

to foresake the Federalist party it had recently embraced. Adams' handling of the crisis with France had turned many Federalists against him, but when the fall election returns were in, they showed that the Sixth Congress would still be controlled by the Federalists.

With the threat of war against France lifted, the nation assumed a more tranquil air; yet, deep animosities still divided Republicans and Federalists. The two sides were temporarily brought together at the beginning of the session by the unexpected death of George Washington at Mount Vernon. Partisan bickering was stilled on December 26 when the House and Senate joined in memorial services to honor the first president. Immediately afterwards, the old battles resumed, made more intense by the upcoming fall elections, sure to be bitterly contested.

In June 1800, after the Congress had recessed, clerks packed up the Senate's belongings and prepared for the move with the rest of the government to the new federal city on the Potomac. When the second session of the Sixth Congress convened on November 17, 1800, the senators and representatives found themselves crowded into the Capitol's north wing, the only part of the building that was completed. The tension in the air was almost tangible. The presidential election had been held earlier in the month, but there was as yet no clear winner. The decision lay in the hands of Congress. Would the Federalists maintain their hold on the presidency, which they had controlled for eleven years, or would they have to deal with the Republican Thomas Jefferson in the White House?

These events were of great magnitude to this nation, and I shall speak of them in detail in my next address.

CHAPTER 3

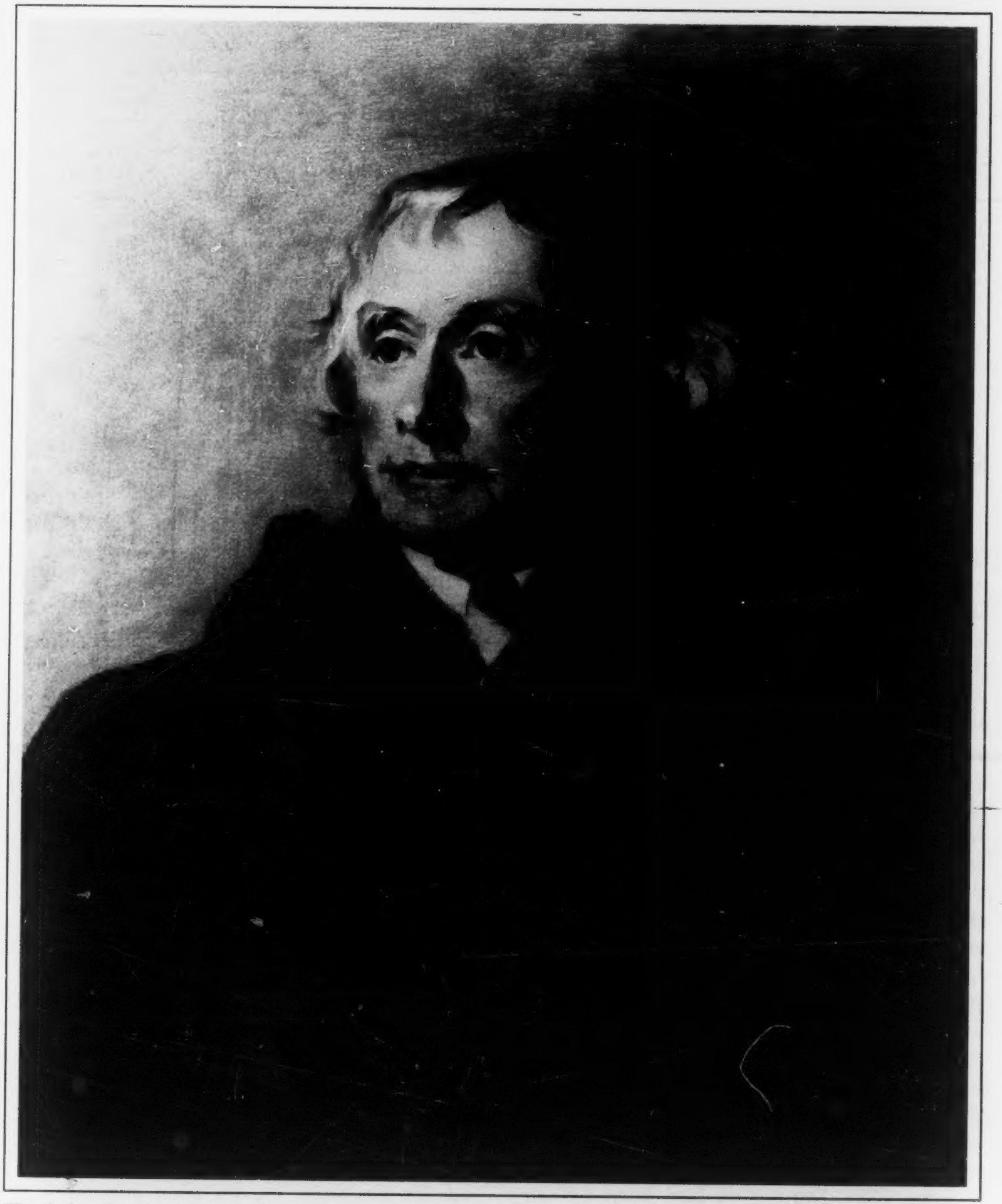
The Jeffersonian Era
1800–1808

June 15, 1981

Mr. President, we have recently undergone a transition of party power in Washington, both in the executive branch and in the United States Senate. In each case, the transition was peaceful, amiable, and dignified, as the public has come to expect. We would be surprised and disappointed if it had been anything less; yet, when we look back over our national history to the first transition of party, we find an entirely different atmosphere—one of tension and intrigue. There were no guarantees that the new nation would survive the transfer of power between the Federalists and the Jeffersonian Republicans (a different political organization altogether, I should add, from today's Republican party). This first transition was the greatest test of the fledgling constitutional Republic, and, while the process was by no means smooth and easy, it is stirring to read how successfully our predecessors passed this test, paving the way for the many orderly transitions which would follow during the next two centuries.

Since 1789, the nation had been led by Federalist presidents, George Washington and John Adams, and the Congress controlled by Federalist majorities. For the first six congresses, the Federalists were continually in the majority in the Senate, and only during the Third Congress, from 1793 to 1795, did the Jeffersonians take a majority in the House of Representatives. With the election of 1800, this situation was reversed. The Republicans gained an 18 to 14 majority in the Senate and a 69 to 36 majority in the House. During the next eight years, they would keep and increase these margins sharply, so that during the Tenth Congress (1807–1809), their majority in the Senate was 28 to 6 and in the House, 118 to 24.

As for the presidency, both the Federalists and Republicans nominated their candidates in congressional caucuses, a system which lasted until 1824. The Federalists renominated the incumbent president, John Adams, and chose Charles Cotesworth Pinckney for vice president. The Republicans chose their popular leader, Thomas Jefferson, for president. Following the voting in New York in May 1800 (in those days each state conducted its elections on its own independent schedule), which the Republicans carried largely due to the effective campaigning of



The Federalists lost their twelve-year control of the presidency when Thomas Jefferson, a Republican, became president in 1801. In 1856, Thomas Sully painted this famous portrait of Jefferson, which now hangs in the Senate wing of the Capitol.

Architect of the Capitol

Aaron Burr, the party nominated Burr for vice president. "Burr in 1800 was not some devious plotter," Professor Noble E. Cunningham, Jr., has written, "but an aggressive, practical party organizer." [1] Not until December were the last ballots cast. Until then, Jefferson and Adams were tied with sixty-five electoral ballots each. South Carolina determined the victor by casting its eight electoral votes to Jefferson and Burr. But while Jefferson now had seventy-three votes, so did his vice-presidential running mate; the tie vote forced the election into the House of Representatives.

While the Republicans would have the majority in the House as a result of the election, it was the outgoing Federalist-dominated Sixth Congress that would determine the presidential election. Hating Jefferson, the Federalists cast their votes for Burr. For his part, Aaron Burr insisted that he was not in competition with Jefferson but took no action to dissuade Federalist support. The House was then meeting in the newly constructed Senate wing of the Capitol Building, in a room which for many years served as our disbursing office and which has recently become a part of the Republican Leader's suite. Outside that room is a bronze plaque describing the dramatic events which occurred there:

> This tablet marks the first meeting place of the House of Representatives in the Capitol. Here—on November 18, 1800—the House of Representatives met for the first time in Washington, remaining through the second session of the Sixth Congress. Here, from February 11 to February 17, 1801, the House cast 36 successive ballots to elect Thomas Jefferson President of the United States in the contest between Jefferson and Aaron Burr.[2]

Why the Federalists abandoned Burr's candidacy is still uncertain. Alexander Hamilton strongly recommended voting for Jefferson over Burr on the grounds that Burr's "public principles have no other spring or aim than his own aggrandizement." The Federalists may also have assumed that the effort was futile and might cause public resentment against them. Further, there appeared to be some backstage assurances from the Jeffersonians on matters of policy and patronage that won over sufficient Federalist votes. In any case, Jefferson was finally selected and was sworn in as president in the Senate chamber less than a month later on March 4.

President Adams left town without attending the inauguration of his successor, but two of Jefferson's chief antagonists were present in the Senate chamber that day (today, the room is commemorated as the old Supreme Court chamber, on the first floor of the Capitol, but from 1800 to 1810, it served as the Senate chamber): Chief Justice John Marshall, who swore in the president; and the new vice president and erstwhile rival, Aaron Burr. What a dramatic picture those three men must have presented to the audience that day. Just before taking his oath, Jefferson addressed the assemblage with these memorable lines:

> We have called by different names brethren of the same principle. We are all Republicans: we are all Federalists. . . . I know indeed that some honest men fear that a Republican Government cannot be strong; that this Government is not strong enough. But would the honest patriot, in the full tide of experiment, abandon a Government which has so far kept us free and firm, on the theoretic and visionary fear that this Government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest Government on earth.[3]

Once in power, the Jeffersonian Republicans intended to flex their political muscles. They controlled the executive and legislative branches, but the Federalists remained firmly entrenched in the judiciary. Shortly before the end of his term as president, John Adams had signed the Judiciary Act of 1801. Ostensibly, this act was designed to relieve the burdens of Supreme Court justices who spent several months a year in the saddle, riding circuit. The Judiciary Act created a special circuit court and new district judgeships to assume these duties; however, President Adams immediately filled the new positions with Federalist judges. The act also provided that the Supreme Court bench would be reduced by attrition from six to five justices, thereby postponing Jefferson's ability to nominate new Republican justices to the Court. Jefferson and his supporters in Congress were determined to repeal this offending act.

In his annual message on December 8, 1801, Jefferson called for a reexamination of the judicial system, and, on January 6, 1802, Senator John Breckinridge of Kentucky moved for repeal of the Judiciary Act. Breckinridge argued that the law was both unnecessary and improper and that the courts and judgeships created by it should be abolished.[4] The Senate debated the issue for the rest of the month and, on January 26, voted 15 to 15 on the motion to repeal. Vice President Burr then cast the deciding vote in favor of repeal.[5]

The following day, however, Federalist Senator Jonathan Dayton of New Jersey proposed that the Senate reconsider its action and refer the issue to a special committee which would look at revision of the entire judiciary system. Dayton had made the same motion the day before and had been defeated by only one vote. He now argued that his motion had "not been perfectly heard and understood by one of the gentlemen who voted against it," and moved again to refer it to committee. Again the vote was 15 to 15, but this time Vice President Burr cast his vote with the Federalists. Burr explained that he had no reason to question the sincerity of those wishing to refer the bill to committee to render it more acceptable to the Senate. But the Jeffersonians were outraged over what they considered Burr's duplicity and political maneuvering. Dayton, a Federalist, was known as a lifelong friend of Burr's and one of the leaders in his abortive challenge to Jefferson's election.[6]

Even today, historians disagree over what motivated Aaron Burr. We may never fully understand this man who, some would aver, preferred to walk a crooked mile even when a straight path was available. In a letter to a friend the next day, Burr expressed his concern over "depriving the twenty-six judges of office and pay." [7] Some of Burr's supporters argued that he was merely acceding to a desire among half the members of the Senate to have a committee appraise the legislation, and that, with the return of the absent Vermont senator, Stephen Bradley, the Republicans would have the necessary votes to discharge the bill and pass it—which is exactly what happened on February 3, 1802. But Burr's action had been the final straw for congressional Republicans. They were sure that he was plotting to win friends among the Federalists for a future challenge to the Jefferson administration. There was no hope that Burr would win renomination from the Republicans for vice president or advance further in his party's ranks, and he began to conceive of bolder plans.

Reading through the *Annals of Congress,* the forerunner of our *Congressional Record,* one finds many landmarks in American history during the Jeffersonian era. On January 31, 1803, for instance, the Senate received a petition from William Marbury and several others. This was less than a month before the Supreme Court would hand down its monumental ruling in *Marbury* v. *Madison* in which, for the first time, it declared an act of Congress unconstitutional. Marbury, as constitutional scholars will recall, had been appointed a justice of the peace for the District of Columbia as one of the last acts of President John Adams. Adams, however, had left office before the commission could be delivered to Marbury, and the new secretary of state, James Madison, refused to deliver the commission. Marbury went to court but also petitioned the Senate to obtain copies of the Senate's proceedings for March 2 and 3, 1801, relating to his nomination.

Now, in those days—and until 1929—most discussions of nominations and related executive business of the Senate were held in secret, closed-door executive sessions. Senator Breckinridge spoke for the majority of the Senate when he expressed the opinion that "the Executive Journal is kept only for the private use of the Senate and there is an express rule that extracts should not be given without the order of the House." He considered that the president was a party to the business in the *Executive Journal* and should give his consent before its materials were opened. Senator Aaron Ogden of New Jersey argued in Marbury's behalf that, although executive business was conducted behind closed doors, there was no Senate rule that the *Journal* must be kept secret. Senator James Ross of Pennsylvania took the position that since Marbury had a case before the high court and the material was necessary for that case, the Senate had no justification for withholding it. "It is a public record," said Ross, "of which any person interested has a right to demand a copy." The Senate, however, voted 15 to 13 to deny Marbury and the others the *Executive Journal* extracts they had requested.[8]

On February 24, 1803, the Supreme Court dismissed Marbury's suit on the grounds that the Court lacked jurisdiction. Chief Justice Marshall declared that section 13 of the Judiciary Act of 1789 had empowered the Court to issue writs of mandamus in such cases, but that this was in violation of the Constitution and, therefore, the Court held the law null and void. This was an incredibly shrewd maneuver on Marshall's part since he had given the immediate victory to President Jefferson against Marbury and, yet, had also established the principle of judicial review—a power which the Constitution did not specifically provide for and one which has significantly affected relations between Congress and the Court ever since.

Also in February 1803, the Senate was preoccupied with the Mississippi question. Residents of three-eighths of the territory of the United States living in the lands west of the Alleghenies shipped their produce down the Mississippi River to market. But Spain controlled the city of New Orleans and, therefore, could interfere with American trade at will. America had enjoyed freedom of transit on the Mississippi since the 1795 Pinckney Treaty with Spain, in which Spain promised free navigation of the river and the right to deposit goods at New Orleans before shipment elsewhere.

In October 1802, the Spanish governor of New Orleans suddenly revoked the right to deposit goods in that city duty-free. Outraged Americans in Tennessee, Kentucky, and other affected states talked of going to war to seize New Orleans. President Jefferson dispatched James Monroe to France and Spain as minister extraordinary. Monroe's mission was to reopen the Mississippi and to prevent France from regaining control of New Orleans from Spain.

The French leader, Napoleon Bonaparte, was also concerned with the American reaction to the closing of New Orleans and sought to avoid driving the United States into an alliance with his enemy, Great Britain. Abandoning his colonial ambitions, Napoleon decided to sell the entire Louisiana territory with the city of New Orleans to the United States, thereby raising money for France's impending war with Britain.

In the Senate wing of the Capitol, Constantino Brumidi depicted negotiations for the Louisiana Purchase. James Monroe, *center,* is flanked by the Marquis de Barbé-Marbois, *left,* and Robert Livingston, *right.* *Architect of the Capitol*

All of these negotiations were being conducted in secret, and there was great concern over their progress inside the Senate. On February 14, Federalist Senator James Ross rose to say that his constituents were greatly alarmed over the "unjustifiable, oppressive conduct of the officers of the Spanish Government at New Orleans." Ross was aware of Monroe's mission but wanted a statement of support from the Senate. The United States should expel the wrongdoers, Ross proclaimed. "Plant yourselves on the river, fortify the banks, invite those who have an interest at stake to defend it; do justice to yourselves when your adversaries deny it; and leave the event to Him who controls the fate of nations." When Ross turned to discuss the rumors that Jefferson had authorized Monroe to purchase Louisiana, he was cut off from speaking until the galleries could be cleared. "I will never speak upon this subject, sir," said Ross, "with closed doors." Vice President Burr ruled that the doors could be closed at the request of any senator and could be opened again only by the vote of the Senate. The doors were shut. Two days later, Ross again rose in public session to introduce his resolutions "That the President be authorized to take immediate possession of such place or places, in the said . . . territories, as he may deem fit and convenient." The president should also be authorized to call up the militia in the western states, and some $5 million should be appropriated to support the war effort.[9]

After long debate, on February 25, 1803, the Ross resolution was defeated, 11 to 15, and, shortly afterwards, the Seventh Congress adjourned. In April, French Foreign Minister Talleyrand broached the question of how much the United States was willing to pay for Louisiana, and by the end of the month, the treaty of cession had been signed. For $15 million the United States purchased enough land to double the size of the country—the whole central portion of the continental United States today, from the Mississippi River in the east to Montana, Wyoming, Colorado, and New Mexico in the west; from Louisiana in the south to Minnesota in the north. It was ironic that Thomas Jefferson, a strict constructionist and a believer in limited government, had taken this bold move; however, if Jefferson was inconsistent in expanding the power of the presidency, the Federalists were equally inconsistent in opposing him.

President Jefferson called the Eighth Congress into session two months earlier than scheduled in order to approve the treaty he had negotiated with France. On October 22, 1803, Senator Breckinridge offered a bill to enable the president to take possession of the vast territory ceded from France, and the bill passed easily by a vote of 26 to 6. (Among the dissenters was the new senator from Massachusetts, John Quincy Adams.) On November 1, Senator James Jackson of Georgia reported from committee a bill authorizing $11,250,000 for implementing the treaty. It was this authorization, rather than the treaty itself, which caused the intense debate that dominated the Senate during the first session of the Eighth Congress.[10]

The Federalists, long identified with a strong presidency and central government, now argued that President Jefferson had acted unconstitutionally in signing the treaty with France, and that the Senate had no authority to approve the purchase of new territory. In addition, they objected to delegating power to the president to determine whether the French government had fully complied with its end of the treaty. Indeed, they had serious doubts that the Spanish government would willingly abandon the city of New Orleans which it had so profitably occupied, French treaty or not. Said Senator Samuel White of Delaware, the treaty would be simply the "buying [from] France authority to make war upon Spain."[11]

Finally, the Federalists rejected the theory then being advanced that the new land west of the Mississippi could be preserved for the Indian population, which could be induced to leave their lands in the east. "To every man acquainted with the adventurous, roving, and enterprising temper of our people, and with the manner in which our Western country has been settled," said Senator White, "such an idea must be chimerical. The inducements will be so strong that it will be impossible to restrain our citizens from crossing the river."

Of course, White was absolutely correct on that point; however, he went on to warn that those who went west would be separated by "the immense distance of two or three thousand miles from the capital of the Union where they will scarcely ever feel the rays of the General Government; their affections will become alienated."[12] In the light of recent reports about the disaffection of western states with the federal government, it would seem that Senator White's prediction in 1803 turned out exactly in reverse. The western states complain that they feel the rays of government far more strongly than they would like.

In response to these Federalist accusations, the Republicans, who had traditionally supported limited government and reduced executive authority, strongly defended the president's bold move. Although the Constitution did not specify the purchase of territory from foreign governments, Article IV, section 3, did give Congress power to regulate the territories of the United States, thereby implying the right to obtain such territories. Senator Breckinridge of the then

Senator John Breckinridge of Kentucky often acted as President Jefferson's spokesman in the Senate.
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far western state of Kentucky dismissed fears that migration to the west would weaken the loyalty of the pioneers, noting that "the people of the Western States are as sincerely attached to the Confederacy, and to the true principles of the Constitution, as any other quarter of the Union." The vote on authorization of funds was 26 to 5, with John Quincy Adams switching his vote from negative to affirmative on the grounds that, having approved the treaty, the Senate had an obligation to implement it.[13]

Mr. President, in discussing the repeal of the Judiciary Act and the ratification of the Louisiana Purchase, I have several times mentioned the role of Senator John Breckinridge of Kentucky, and it is appropriate to devote some special attention to that remarkable gentleman. We have eighteen new senators in the Ninety-seventh Congress who are learning the rules and procedures of the Senate and are perhaps feeling some of the frustrations that a lack of seniority inevitably causes. I think they might find some interest in the career of John Breckinridge, who became his party's most effective spokesman and legislative leader in the Senate while serving in his first term. Admittedly, the party structures were only forming in those days, and seniority was not a significant issue since the standing committees had not yet been organized; nevertheless, Breckinridge's immediate rise to leadership was a testament to his considerable abilities.

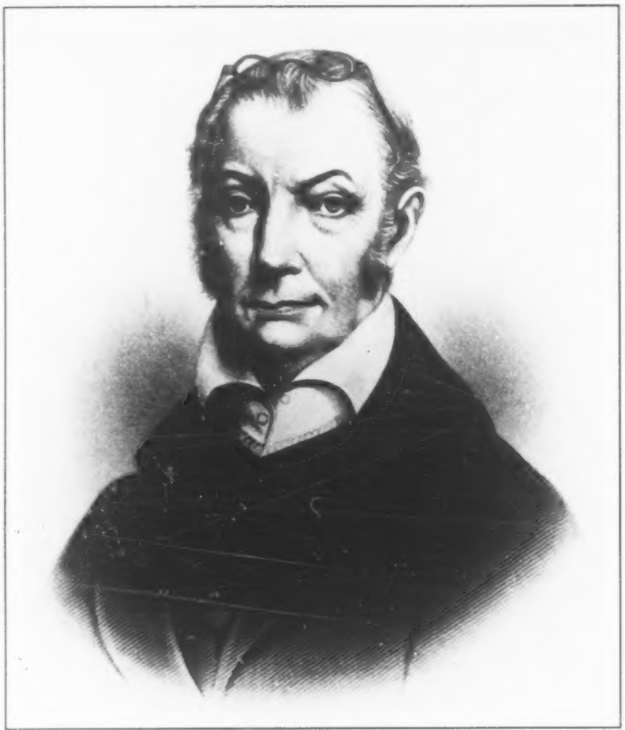
A farmer, lawyer, and statesman from Kentucky, John Breckinridge had migrated to that fertile state from a war-torn section of Virginia after the American Revolution. Building a magnificent estate near Lexington and a profitable law practice, Breckinridge was elected to the state legislature. There, he helped to write and sponsor the famous Kentucky Resolutions—with the aid of Thomas Jefferson and James Madison—in protest to the Alien and Sedition acts. In 1800, Breckinridge won election to the Senate and arrived here in March 1801, where he quickly became the leading spokesman for the new Jefferson administration and for the new western states. He was eloquent in debate, as the *National Intelligencer* noted in reporting that his opening speech on repeal of the Judiciary Act was noteworthy for its "conciseness, for comprehensiveness, for dignity, for appropriate language, and for sound inference." In 1805, President Jefferson appointed Senator Breckinridge as attorney general. This, as Breckinridge biographer Lowell Harrison has judged, was a great mistake. Breckinridge was admirably qualified for the job, but his departure from the legislative branch meant that "there was not a Senator in the Ninth Congress who was competent to manage a difficult measure for the administration as Breckinridge had done with a much smaller majority behind him. . . . Breckinridge's greatest services on the national scene ended the day he left the Senate chamber for the last time."[14]

Tragically, Breckinridge's life was cut short by typhus fever at the age of forty-six, just a year after leaving the Senate. Had he lived, he might well have become president, but his family carried on his tradition of public service. Two of his grandsons served as representatives from Kentucky, and one of them, John Cabell Breckinridge, became a senator and vice president (under James Buchanan) and, later, a general in the Confederate army. Breckinridge's great-grandson, Clifton Rhodes Breckinridge, served as a representative from Arkansas in the late 1890's, and, more recently, his great-great grandson, John Bayne Breckinridge, represented Kentucky in the House in the 1970's.[15]

Having opened with the monumental debate over the Louisiana Purchase, the Eighth Congress concluded its business with the impeachment trial of Supreme Court Justice Samuel Chase. Once again, the Jeffersonian Republicans sought to influence the courts by removing an eloquent and intemperate Federalist judge. The Republicans had taken heart from the House's impeachment of a Federalist district judge from New Hampshire, John Pickering, in January 1804. But Pickering, charged with malfeasance, loose morals, and intemperate habits, was clearly insane, and so the political issue was muted. On March 12, 1804, the day the Senate acted to remove Judge Pickering, the House of Representatives voted 73 to 32 to impeach Justice Chase, who had been a Revolutionary War leader and a signer of the Declaration of Independence. The House accused him of biased conduct on the bench and a partisan (that is, antirepublican) harangue to a grand jury in Baltimore. Were Chase to be removed from the Court solely because of congressional disapproval of his opinions, it was widely believed that Chief Justice Marshall would become the next target.

In the Senate, the Republicans needed 23 of the 34 votes to convict Justice Chase, which was exactly their party's margin over the Federalists. In preparation for the trial, the Senate chamber was hung with crimson drapery, and a special gallery was constructed to accommodate the many ladies of the city who were expected to attend. On February 4, 1805, the trial began with the erratic John Randolph of Virginia presenting the House's arguments against Chase. Adding to the drama was the appearance of Vice President Aaron Burr to preside over the trial. The previous July, Burr had shot and killed Alexander Hamilton in a duel at Weehauken, New Jersey, and had fled warrants for his arrest. He appeared in Washington to preside over the Senate as if nothing had happened. While some were outraged over his behavior, the Republicans received him warmly, with the hope that he would lean to their side while presiding over the Chase trial. But Burr, that great enigma, did "himself, the Senate & the nation honor by the dignified manner in which he has presided," according to Senator William Plumer of New Hampshire, and his impartiality was praised by both sides.[16]

The impeachment trial filled over six hundred pages of the *Annals of Congress* for the Eighth Congress, second session, and still makes fascinating reading today. On March 1, the trial ended with the Senate failing to convict Chase on a single count. Despite their two-thirds majority, the largest margin the Republicans could muster was a vote of 19 to 15. As I said earlier this year in my remarks welcoming Vice President Bush to this chamber, the Senate exercised in that fine



In his emotional farewell speech, Aaron Burr described the Senate as "a sanctuary."

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moment of drama the kind of independence, impartiality, fairness, and courage that, from time to time over the years, it has brought to bear upon the great issues of our country.

Two days after the Chase trial, Vice President Burr bid adieu to the Senate, stepping down to make way for the new vice president, George Clinton, who had been elected to serve during Jefferson's second term. Burr's farewell speech, according to those who heard it, was received with such emotion that senators were brought to tears and stopped their business for a full half hour.

It is truly one of the great speeches in the Senate's history. "This House," said Burr that day, "is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor." [17]

Mr. President, here at midpoint in the Jeffersonian era, I should like to make some observations concerning the role of the Senate vis-à-vis the House in those years. In 1804, when New York Congressman Samuel Mitchill was elected to the Senate, he wrote to his wife: "Henceforth you will read little of me in the Gazettes. Senators are less exposed to public view than Representatives. Nor have they near so much hard work and drudgery to perform."

As I have mentioned in earlier addresses, the popularly elected House was far more active than the Senate in those early days and, therefore, drew far more public attention. Sessions in the House generally lasted longer than those in the Senate. As Professor Noble Cunningham has pointed out in his study, *The Process of Government Under Jefferson,* House members originated more bills and demanded more roll-call votes than did senators. Much of their activity was devoted to originating revenue bills as the Constitution provided; however, this did not mean that the Senate was not the "upper body." Movement from one house to the other was consistently from the House to the Senate and rarely in reverse. Samuel Mitchill described himself as no longer a "Representative of the People" but one of the "Senators of the Nation," a member of "the supreme executive Council of the Nation." [18]

The Senate had not yet evolved into its Golden Age of Debate, as it would in the next few decades, and descriptions of its proceedings in those first years in Washington do not sound all that foreign from our proceedings today. Senator William Plumer of New Hampshire wrote to his son in 1806 that "in general by the time a senator has been speaking ten minutes it is rare that there is a quorum within the Bar—and many of those that are there, are either writing letters or reading newspapers. At the fire side a majority is seated, and often in a private conversation the question under debate is there settled by a free interchange of opinions." [19]

When the Ninth Congress convened in December 1805, foreign policy became the chief concern of senators. On December 20, Senator George Logan of Pennsylvania, a close friend and ally of President Jefferson, introduced a resolution to suspend commercial trade between the United States and the French island of Santo Domingo, today Haiti and the Dominican Republic. American merchants had been trading with the black population of that island who were in revolt against France, which was clearly a violation of American neutrality. The Republicans believed such trade would draw the United States into a war with France and proposed ending all trade with the island, a solution vigorously opposed by the Federalists, especially those who represented the trading states of New England. Senator John Quincy Adams expressed his belief that "no needless interference of the Government with the regular course of commercial transactions ought ever to be countenanced." To assist in resolving this controversy, the Senate requested that the president send them all documents, papers, and any other information relative to complaints by the French government against United States trade with Santo Domingo. Jefferson then provided them with notes from the French foreign minister, Talleyrand, and the ambassador, Louis Turreau, protesting the Santo Domingo trade. On February 20, the Senate voted 21 to 7 to suspend the trade and preserve American neutrality.[20]

Of course, settling the issue in the case of Santo Domingo did not solve the neutrality problem, which grew much graver during Jefferson's second term. Reading through the *Annals of Congress,* one sees the frequent references to British interference with American shipping. Great Britain, as we recall, was at war with Napoleonic France, and the powerful British navy sought to halt American commerce with France—as, indeed, the French would also have done against trade with Britain, had their navy been the equal of the British navy. A particularly noxious side to this interference was the impressment of American seamen into the British navy. While many of these seamen had once served in the British navy, they were now American citizens, and public sentiment was outraged by their capture. Senator Robert Wright of Maryland pointed to the "present degraded state of impressed American seamen, thousands of whom have been pressed on board the British ships of war, and compelled, by whips and scourges, to work like galley slaves." [21]

On January 25, 1806, the Senate received from Secretary of State James Madison a report on the "unjustifiable British violations" of American neutrality rights. The Senate unanimously responded with a resolution declaring the British actions "an unprovoked aggression upon the property of the citizens of these United States, a violation of their neutrality rights, and an encroachment upon their national independence." [22] As a means of punishing Great Britain, the resolution recommended prohibiting the importation of numerous goods manufactured in Great Britain, ranging from woolens and linens to mirrors, boots, shoes, and rum. This eventually became the Non-Importation Act of 1806, enacted that April, the first step on the road to Jefferson's embargo. The Federalists argued that the president and Senate had no such right to interfere with United States trade, but they fought a losing battle.

The Non-Importation Act was due to go into effect by November 14, 1807, but long before then it was clear that it would not influence British policy, which, if anything, was becoming even more aggressive and restrictive. On December 18, Jefferson sent Congress a warning about the "increasing dangers with which our vessels, our seamen, and merchandise, are threatened on the high seas" and recommended a complete embargo on all United States overseas trade. The overwhelmingly Republican Senate suspended its rules and passed the measure that same day, 22 to 6.[23] During the next few months, however, evidence became unmistakable that American smugglers were successfully circumventing the Embargo Act, particularly by carrying goods across the Canadian border, and so the embargo had little effect on the British economy. On the contrary, it was having its most adverse effect on the old and predominantly Federalist merchant class in New England and New York, whose normal foreign trade had been officially severed.

When the second session of the Tenth Congress convened in November 1808, the embargo was the subject of bitter debate. Senator James Hillhouse of Connecticut complained that the Republican notion that a cutoff of American food products would starve Britain was "a farce, an idle farce." Instead of affecting the nations that had violated American neutrality rights, Hillhouse charged that it was "fraught with evils and privations to the people of the United States. They were the sufferers." It reminds me of the recently imposed, and subsequently lifted, embargo by President Carter on grain to the Soviet Union. There were those who said that the American farmers—not the Soviet Union—were the sufferers.

The Republicans conceded the weaknesses of the embargo but argued that its alternatives were submission or war. The Senate then debated the Enforcement of the Embargo Act, which, on December 21, passed by a vote of 20 to 7. These enforcement provisions established stern penalties for violations of the embargo, a highly unpopular move in mercantile New England where the Federalists made strong gains in local and congressional elections. Outcry was so great that, on February 22, 1809, the Senate voted 21 to 12 to repeal the embargo and to pass in its stead the Non-Intercourse Act, reopening all sea trade except with England and France.[24] Thomas Jefferson admitted defeat on his controversial embargo but, to his dying day, maintained that the measure would have worked had it been given sufficient time.[25] Time, however, had run out for Jefferson, and on Saturday, March 4, 1809, the Senate of the Eleventh Congress convened in special session to witness the inauguration of his successor, James Madison.

In telling the story of the Senate during the Jeffersonian era, it is fitting to conclude with the mysterious figure with whom we began: Aaron Burr. In these eight years, Burr contested with Jefferson for the presidency, served as vice president, shot and killed Alexander Hamilton, and then was tried for treasonous conspiracy. After leaving the vice-presidency, Burr first tried to persuade President Jefferson to appoint him to a high government post. Failing that, he headed west to rebuild his personal and political fortunes. Soon, rumors began drifting east to Washington that Burr was seeking to separate the new western territories to create an independent state, with himself as its ruler. It was said that he was plotting with the British and the Spanish and with the American military governor of Louisiana, James Wilkinson.

Undercover agents pursued Burr and collected evidence against him. On January 22, 1807, Jefferson sent a remarkable message to the Senate warning its members of Burr's activities.[26] The next month, Burr surrendered to authorities in Mississippi, and a trial was set for him in the federal circuit court in Richmond, Virginia. Presiding over this trial was Jefferson's other nemesis, Chief Justice John Marshall. Burr's trial lasted from August 3 to September 1 and resulted in his acquittal. Shortly afterward, Aaron Burr went into exile in Europe. Dissatisfied with the results of the trial, President Jefferson sent Congress the transcripts to examine for possible defects in the law, to protect the nation from treason. But Congress was preoccupied with the embargo and offered no resolution to the problem. The transcripts of the debates and proceedings during that dramatic trial are preserved for us today in the *Annals of Congress, Tenth Congress, First Session.*

The Senate remained aloof from the Burr trial but could not ignore the involvement of one of its own members, Senator John Smith of Ohio, who was indicted for conspiracy along with Burr. Smith was accused of having entered into the conspiracy in 1804, when President Jefferson had sent him on a special mission to Louisiana and Florida. A special Senate committee, chaired by John Quincy Adams, reported on December 31, 1807, a resolution "That John Smith, a Senator from the State of Ohio, by his participation in the conspiracy of Aaron Burr against the *peace, union*, and *liberties*, of the people of the United States, has been guilty of conduct incompatible with his duty and station as a Senator of the United States. And that he be therefore, and hereby is, expelled from the Senate of the United States." Smith responded with a ninety-six-page defense of his action.[27]

When Burr had been acquitted, the government had dropped charges against Senator Smith, but the Republican members of the Senate felt the evidence against him warranted pursuing the case, even though he was a member of their own party. Smith denied all the charges of conspiracy and said that he had no desire to separate off the western territories or participate in a military rebellion against the government. His only fault, he insisted, was in opening his doors hospitably to Aaron Burr. Senator James Bayard of Delaware led much of Smith's defense in the Senate, which was particularly crucial to the case. Bayard, as a member of the House, had been one of the managers of the impeachment proceedings against Senator William Blount, who was expelled in 1797, a case which provided most of the precedents for the Smith proceedings. Bayard fully believed that Burr had conspired against the country, adding that "scarcely a man in the United States doubts it"; yet, he would find no evidence to substantiate the charges against Smith.[28] It is, indeed, a painful task for members of the Senate to try one of their colleagues for possible censure or expulsion, and the Senate debate moved slowly and deliberately from December through the following April, filling page after page of the *Annals*. At last, on Saturday, April 9, 1808, the Senate voted 18 to 10 to expel Smith; however, this was less than the necessary two-thirds margin, several Republicans having found it impossible to vote against their colleague. The matter was settled later that month when Smith resigned from the Senate at the urging of the Ohio legislature.[29]

Mr. President, the events in the history of the United States Senate between 1800 and 1808 were certainly dramatic and crowded ones.[30] These events were faced by a Senate of thirty-four members representing seventeen states; yet, in the eight years I have been discussing, there were eighty-four different senators serving in this body. Only three senators served consistently from the Seventh to the Tenth congresses: James Hillhouse of Connecticut, Samuel White of Delaware, and Jesse Franklin of North Carolina.

One of the chief reasons for this high turnover was the change in party structure in the United States. The Republican party became the predominant party, and the Federalist party began to fade from the scene. The Senate in the Jeffersonian era was also growing younger, with the average age of senators falling from 44.4 years in 1800 to 40.6 in 1810. This, in fact, is the lowest average age in the history of the Senate. (For the Ninety-seventh Congress, the average age of senators is 52.5 years.)

The youngest member of the Senate in this era was an ambitious politician named Henry Clay from Kentucky, of whom I will have considerably more to say in later addresses. Clay was elected by the Kentucky legislature to fill a vacancy in November 1806 and took his oath on December 29, 1806, when he was twenty-nine years, eight months, and seventeen days old, a little over three months younger than the constitutionally provided thirty years of minimum age for a senator. The *Annals of Congress* does not show anyone challenging Clay for his unconstitutional act, although legend has it that, when asked by a fellow senator, he responded, "I hope my colleague will propound that question to my constituents," and let the matter drop there.[31] Clay filled out the remainder of the term until March 3, 1807, when he left the Senate, still a month shy of his thirtieth birthday. He served another partial term from 1810 to 1811, but his major service in the Senate did not begin until 1831 and continued intermittently until his death in 1852.

These young senators served a young nation—the average age of which was only sixteen years old—but it was a growing nation in size and population. Between the censuses of 1800 and 1810, the population of the United States increased 36 percent, from 5.3 million to 7.2 million; while the physical size of the nation doubled from 865,000 square miles to 1,682,000 square miles as a result of the addition of the Louisiana Purchase. With a doubling of the land area, the number of people per square mile declined from 6.1 to 4.3. This last statistic illustrates graphically that the United States was predominantly a rural, agricultural nation. Only a half million Americans lived in cities and towns with populations over 2,500 in 1810, while 6.7 million lived in areas with less than 2,500 people. It was to this rural, agricultural, westwardly moving population that the Jeffersonian Republicans appealed and why the party prospered to the point of wiping out the very existence of its opposition. In just a few short years, the United States would move into a unique era of single party politics, which we refer to rather wistfully as the Era of Good Feelings. The truth, as usual, was more complex, as I will be discussing in a future address on the history of the United States Senate.

CHAPTER 4

The War of 1812
1809–1816

July 8, 1981

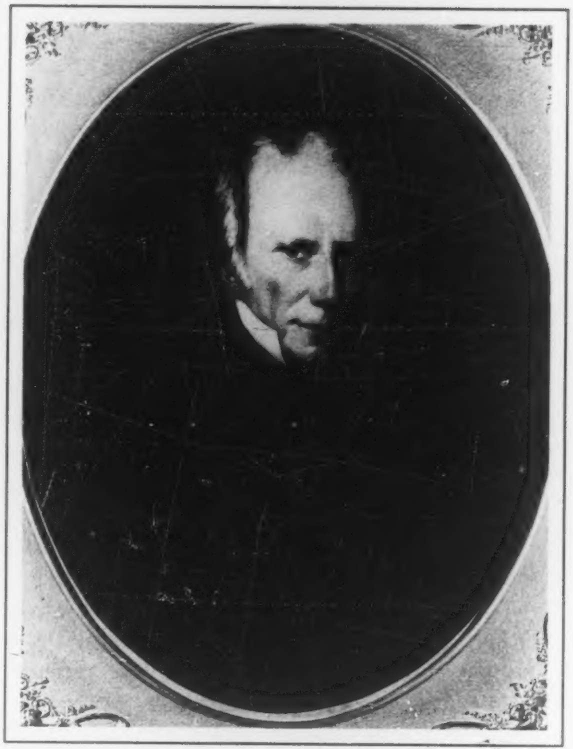
Mr. President, let me describe a scene almost too terrible to contemplate: enemy soldiers landing on American shores; a pitched battle ending with the defeat of United States armed forces; enemy troops on the streets of Washington, D.C.; the Capitol, the White House, and other government buildings ablaze. Such a great national tragedy may seem inconceivable; yet, that is precisely what did happen here in the summer of 1814 when British troops broke through the American lines at the Battle of Bladensburg, marched down Maryland Avenue, and burned much of this city. How this calamity occurred, and the role of the United States Senate in the War of 1812, will be the subjects of my remarks today.

In my last address, I discussed the Senate during the era of Thomas Jefferson, concluding with the election of his successor, James Madison. On January 23, 1808, Madison was chosen as his party's presidential candidate by a Republican congressional caucus. According to the diary of John Quincy Adams, who was then a senator from Massachusetts, it was Vermont Senator Stephen Bradley who called the caucus together. Bradley claimed to have received authority to summon such a conclave by the Republican caucus four years earlier and so sent circulars announcing the meeting to all Republican members of the House and Senate. In fact, because party lines were so indistinct in those days, he sent notices to all but five members of the Senate and twenty-two members of the House, excluding them only on the grounds that they "have never been in the habit of acting with us." Madison won by a vote of 83 to 6, indicating his strong popularity with congressional Republicans; however, this margin is somewhat deceiving since some sixty supporters of James Monroe of Virginia and George Clinton of New York boycotted the caucus. One who boldly attended the caucus and paid the price for it was Senator John Quincy Adams, whose father, former President John Adams, Jefferson had defeated for the presidency in 1800. The younger Adams' conversion to Republicanism cost him his Senate seat that year when the Massachusetts legislature, outraged over Jefferson's embargo, elected James Lloyd over Adams. President Jefferson, however, repaid his political debt to

Adams by appointing him minister to Russia.[1]

As Professor Marshall Smelser pointed out in his masterful synthesis of this period, *The Democratic Republic: 1801–1815,* Madison's election by the caucus would affect his entire administration: "As the creation of the caucus, Madison could never dominate his makers." [2] Following after the strong presidency of Thomas Jefferson, Madison became a relatively weak president. This, of course, is not to denigrate his considerable achievements in public life: as one of the leaders of the Constitutional Convention of 1787; as author, with Alexander Hamilton and John Jay, of the Federalist papers; as leader of the Republicans in the House of Representatives; and as secretary of state under Jefferson. But James Madison simply did not measure up to the demands of executive leadership in those troubled times.

The paramount national issue when Madison became president was the United States' relations with England and France. In a previous address, I discussed President Jefferson's efforts towards neutrality and his ill-fated embargo. Madison's administration began with a brief honeymoon even rosier than that accorded to most administrations. Relations with Great Britain improved steadily as a result of negotiations with the British minister to the United States, David Erskine. An agreement was reached by which the British would lift their odious Orders in Council, interfering with American trade, and the United States would respond by repealing its Non-Importation Act. President Madison called Congress into special session in May 1809, and, in his first presidential message, urged Congress to pass implementing legislation. This was an immensely popular act which won the new president great public acclaim from both the Republicans and the Federalists. On June 19, the Senate unanimously approved legislation lifting the ban on trade. Once differences with the House version could be settled, the Senate passed the amended version on June 28 and then adjourned.[3] Tragically, the national jubilation was soon shattered by news that the British cabinet had repudiated Erskine's agreement. Once again, trade restrictions were imposed and relations between the United States and Britain grew more strained.



Leaving the Senate for the "turbulence" of the House, young Henry Clay was promptly elected Speaker. *Architect of the Capitol*

An examination of the proceedings of the first short session of the Eleventh Congress reveals marked differences between the Senate and the House. In the Senate, there was little debate over Madison's proposal. Sessions appear to have been quite brief, with only a few speeches made by supporters of the bill (although I should add that not all remarks on the floor were transcribed in those days). The entire transcript of the five-week session fills only fifty pages in the *Annals of Congress.*

In contrast, the House of Representatives was far more active with longer sessions, lengthier speeches, more heated debate, and a willingness to take up a far greater range of subjects. (The House was still relatively small in number then and its rules were not as restrictive of debate as they are today.) For that same first session of the Eleventh Congress, the transcripts of the House proceedings run to 420 pages. For the second session, the Senate debates fill 100 pages while the House debates fill 1,400. This disparity helps to explain why the youthful Henry Clay of Kentucky decided to quit his seat in the Senate to stand for election to the House. As Clay wrote to James Monroe, "Accustomed to the popular branch of a Legislature, and prefer[r]ing the turbulence (if I may be allowed the term) of a numerous body to the solemn stillness of the Senate Chamber, it was a mere matter of taste that led me, perhaps injudiciously, to change my station." [4]

Henry Clay did not fare too badly in the House—he was elected Speaker on his first day in that body! One of his biographers, Clement Eaton, has called Henry Clay "the boldest and most decisive" and "one of the best and most powerful Speakers that the House of Representatives has ever had." [5] Clay has also been described as the "most powerful man in the nation from 1811 to 1825." [6] Another historian has speculated that, when one considers Clay's conspicuous opposition to the policies of Presidents Madison and Monroe, he was perhaps "the leader of an anti-administration faction within the Republican party, rather than the leader of the party itself." [7] I mention this to indicate that, while the Federalist party was still in existence during the Madison era, the differences inside the majority Republican party were perhaps growing more significant than those between the two parties.

In the House, Harry of the West, as Clay was affectionately called by his supporters, became the leader of a young band of warhawks. Representing the western and southern states primarily, they spoke out loudly for war with Britain to avenge the nation's honor, to protect their western states from British-provoked Indian attacks, to annex Canada, and to expand the United States territorially. One of the most interesting side-notes about the warhawks was that many of the most hot-tempered among them shared the same boardinghouse on Capitol Hill: Clay and George Bibb of Kentucky; and John C. Calhoun, William Lowndes, and Langdon Cheves of South Carolina all roomed at Mrs. Dowson's boardinghouse.

The significance of patterns of residence in early Washington was first uncovered by Professor James Sterling Young of Columbia University in his fascinating book, *The Washington Community: 1800–1828,* published in 1966. By examining the early *Congressional Directories,* Professor Young found that members of Congress were listed not by their states or parties but by the boardinghouses and hotels in which they lived. Furthermore, he found a high correlation between boardinghouse residency and patterns of voting in the Senate and House. In choosing places of temporary residence in the capital city, members of Congress naturally congregated according to their political and regional interests. How one voted helped to determine with whom he lived, and, perhaps, vice versa.

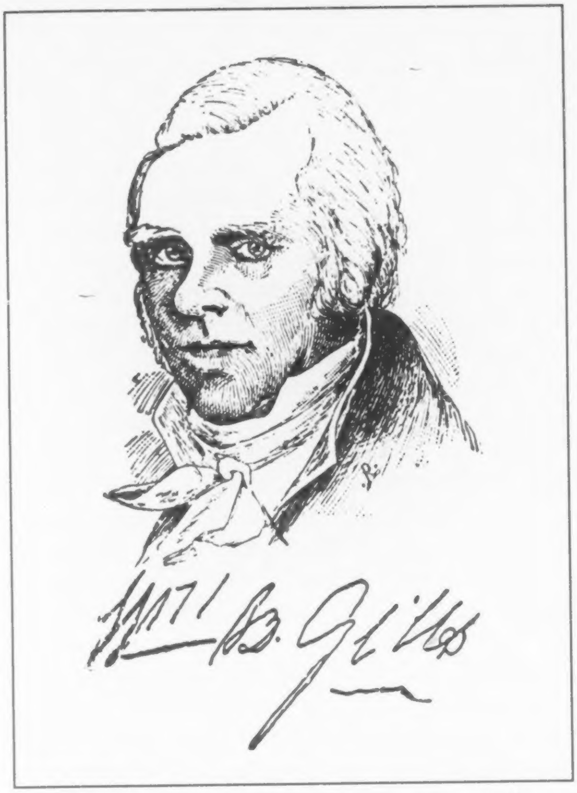
Washington, D.C., during those early years, was not a city of monuments, museums, parks, and broad avenues. It was a roughhewn wilderness settlement with muddy streets, a few taverns, and a handful of boardinghouses. Foreign diplomats considered it a hardship post, and members of Congress found it equally inhospitable, an extra inducement for keeping sessions of Congress as short as possible. Because of the acute shortage of housing and the great problems of transportation in those days, most senators and representatives left their families at home. Few could afford the luxury of building or buying a private home in the capital—and, indeed, until modern times, there was a definite political stigma to owning a home in Washington, for it seemed to symbolize a politician's alienation from his constituents; so, members of Congress lived in boardinghouses on Capitol Hill and down Pennsylvania Avenue as far as Georgetown. Their rooms served as offices for handling correspondence and other legislative business off the floors of the Senate and House chambers, and we can be sure that politics and legislative tactics were prime subjects of conversation in their dining rooms and around their fireplaces each evening.

Every election year we hear much talk about the "mess in Washington," and so it is amusing to read in the early *Congressional Directories* that in 1809 there was a "Washington Mess" at Mrs. Wilson's boardinghouse, where seventeen senators and representatives roomed. The "mess" was not a reference to the physical condition of the boardinghouse or its lodgers, but to the practice of eating meals together regularly, as in a military mess hall. One can also find references to a "War Mess" of warhawks and to "Dowson's crowd" and "Coyle's family," referring to the members of the Dowson and Coyle boardinghouses. If we had been members of the Senate in 1809, we might have taken rooms at Mrs. Hamilton's, Mrs. Frost's, Miss Regan's, or Mr. Claxton's on Capitol Hill. There were also lodgings available at Mrs. Suter's on F Street, Mr. Huddleston's on Pennsylvania Avenue, or Mr. Crawford's in Georgetown. Some of these appear to have been clusters of houses as, for instance, Mrs. Dowson's of Capitol Hill, where members were listed as staying at the "House in which she resides," the "House next door," and the "House opposite side of the way." [8] Parenthetically, boardinghouses have not disappeared entirely from Capitol Hill in our own day. A number of them still stretch down East Capitol Street and its environs.

I have been talking about Henry Clay and the warhawks in the House of Representatives, to whom historians have devoted much of their attention during this period. My purpose is really to focus on the Senate. There, the leader of the majority Republican party, and also the leading war advocate, was Senator William Branch Giles of Virginia. Giles was forty-two years old when he was elected to the Senate in 1804 but had already established himself in national politics. A graduate of Princeton University, he had also studied law under George Wythe at the College of William and Mary. About half the members of the Senate during this era were college graduates—far out of proportion to the national average—and Princeton, Yale, Harvard, and William and Mary were the colleges most members had attended.[9]

William Branch Giles entered the House of Representatives in 1790 at the age of twenty-eight. There, he became the most outspoken opponent of Alexander Hamilton's financial program and also of the Jay Treaty. He also denounced what he considered to be the adulation of President George Washington. Giles was a leader of the Republicans in the House, until ill health forced him to resign in 1802. Two years later, he joined the more sedate Senate, where he quickly assumed leadership of the Jeffersonian forces during the impeachment trial of Samuel Chase.[10]

John Randolph, another Republican leader in the House, considered Giles "the most accomplished debater which his country [has] ever seen." Senator Thomas Hart Benton, in his monumental memoir of Congress, *Thirty*



Virginia Senator William B. Giles supported Jefferson but found Madison a threat to republicanism.
National Cyclopedia of American Biography

Years' View, left us this studied description: "Mr. Giles neither read nor studied, but talked incessantly with able men, rather debating with them all the while: and drew from this source of information, and from the ready powers of his mind, the ample means of speaking on every subject with the fulness which the occasion required, the quickness which confounds an adversary, and the effect which a lick in time always produces." [11]

During Jefferson's presidency, Giles was one of the administration's chief advocates in the Senate, but once James Madison entered the White House, Senator Giles' pugilistic tendencies reemerged. Attempting to explain his break with his party's standard-bearer, Giles wrote to a friend that he had nothing but the "warmest friendship and the most affectionate regards" for Madison before he became president but came to see the new president as the "spirit and support of the most unprincipled parasites, and dupe of the most wretched intrigues." Of Madison, he now said, "republicanism was not safe in his hands." [12] Giles was particularly galled by Madison's strong reliance on Secretary of the Treasury Albert Gallatin, a man for whom he had no use at all. Giles led a successful movement in the Senate to block Gallatin's promotion to secretary of state in Madison's cabinet. But Giles was not the only Republican to show independence of the White House. In January 1809, sixteen Republican senators joined with five Federalists in voting to order all armed vessels into active naval service, in an attempt to force the administration to prepare for war with Great Britain. [13]

Not all of the political fighting took place within the Republican ranks. The diminishing Federalist party still offered convenient targets for fire. In December 1809, for example, the arch-Federalist Timothy Pickering, senator from Massachusetts, rose in the Senate to denounce what he considered the unconstitutional seizure of West Florida from Spain. Madison had justified this move on the grounds that the territory was included within the Louisiana Purchase, but Pickering read from a letter by French Foreign Minister Talleyrand, dated December 21, 1804, arguing that the Louisiana Purchase included no territory east of the Mississippi. As Pickering finished this reading, Senator Samuel Smith of Maryland (brother of Madison's Secretary of State Robert Smith) rose to ask whether the document was still secret. Pickering, himself a former secretary of state, realized that he had violated the Senate's rules by reading a confidential document without the permission of the Senate. He tried to defend his action by arguing that sufficient time had elapsed to remove any need for secrecy, but his enemies jumped on the chance to embarrass him. On a motion of Henry Clay, then still a senator from Kentucky, the galleries were cleared, and the Senate moved to censure Pickering for breach of confidence; thus, Timothy Pickering became the first member of the Senate ever to be censured. In the 172 years since then, the Senate has censured only seven of its members. In most cases, the effect was both personally and politically devastating, and, indeed, Pickering shortly afterwards resigned his seat.[14]

The drums of war sounded loudly in 1810. Senator Giles was chairman of a committee appointed to respond to President Madison's military proposals and, in January 1810, he reported a bill from this committee for "fitting out, officering, and manning [of] the frigates belonging to the United States." While the Republican party had long been philosophically opposed to a large navy or any other sign of a strong central government, Giles now argued that the navy was not a threat to individual liberty, but would secure liberty for the American people. In a remarkable address in the Senate on January 23, 1810, Giles dissected the history of the two political parties. He argued that the takeover of the federal government by the Republican party had led them to "run into the opposite extreme" from the Federalists' efforts towards centralization. The Republicans had so relaxed the powers of the government as to "impair or destroy its efficacy in resisting foreign aggressions." Senator Giles declared that he opposed both of these extremes and wanted to find a middle way in which individual liberties could be protected while the nation armed itself for its own protection. Claiming that he did not want war, Giles wanted the nation prepared in case war came. And he added that, should war with Britain arise, the United States would be justified in annexing nearby British territory, by which he was clearly referring to Canada. Giles' bill passed the Senate by a vote of 25 to 6 but died in a House committee. As Giles' first biographer, Dice Anderson, has written, the War of 1812, "if Giles had had his way, would have been the war of 1810."[15]

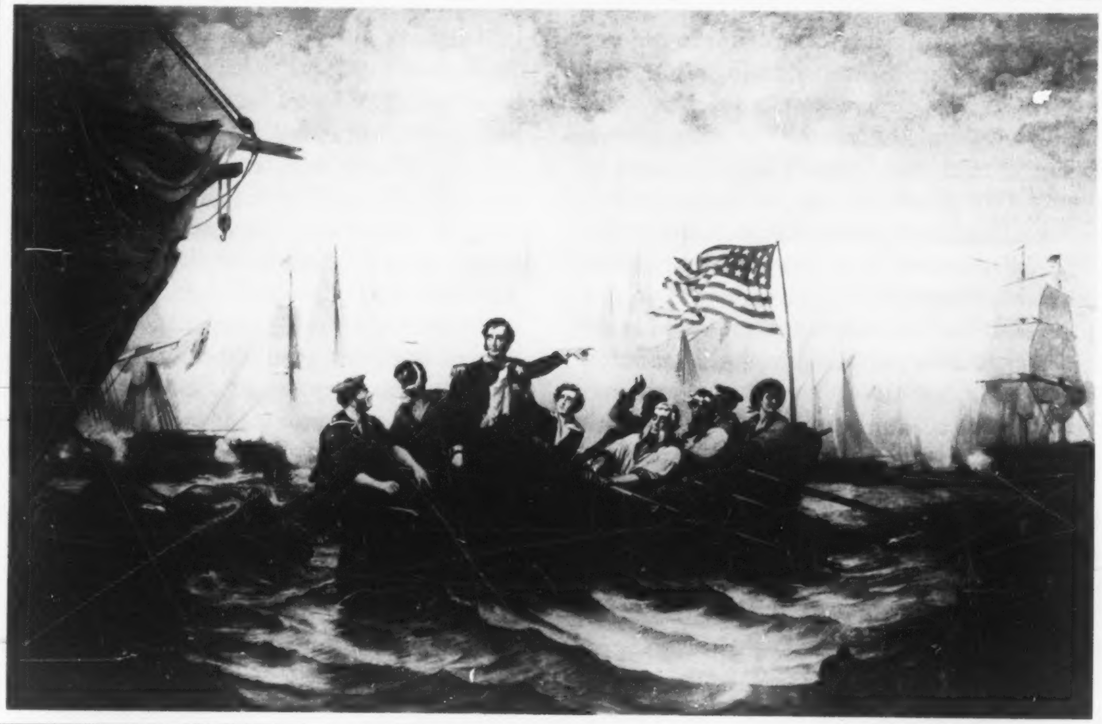
As this legislation showed, the collapse of Madison's diplomatic initiatives was leading Congress to take matters into its own hands. House Foreign Affairs Committee Chairman Nathaniel Macon had introduced a bill, known as "Macon's Bill Number One," which embodied the administration's proposals for limiting all shipping of British and French imports to only American ships. Objections to this bill in the Senate had led to significant revisions, and, in 1810, Congress passed what became known as "Macon's Bill Number Two." This pivotal piece of legislation provided that the United States would trade with both Britain and France, but if one of these nations lifted its trade restrictions, then the United States would terminate all trade with the other. Initially, this legislation reopened American trade with Europe, and commerce flourished. But then the crafty French leader Napoleon acted to make it appear as though France was lifting its trade restrictions. Under Macon's bill, the United States had no alternative but to suspend its trade with Britain. President Madison issued a new proclamation of non-intercourse with Britain, which Congress affirmed in February 1811.[16]

The Twelfth Congress, which met at the call of President Madison a month earlier than scheduled, was a war Congress. Tempers had risen, and American foreign policy was in a sorry state. Trade with Britain was cut off; and yet, evidence was emerging that, in truth, France had not suspended its own trade restrictions. British naval supremacy in the Atlantic was also galling to the young American Republic, so proud of its independence from Great Britain. Not only were the British disrupting American commerce but they were also conscripting American seamen. When the warhawks in the House voted to expand the size of the army by ten thousand men, the Senate raised the ante to twenty-five thousand. As we might expect, William Branch Giles took the lead on this issue. The United States had enjoyed a long course of prosperity, Giles told his colleagues in the Senate, "but we ought not to calculate upon perpetual exemption from the common calamities of nations. When days of adversity shall arrive, we should meet them with becoming fortitude and energy." [17]

The "days of adversity" were closer at hand than Giles anticipated. President Madison and his new secretary of state, James Monroe, had become convinced of the inevitability of war. On April 1, 1812, Madison sent Congress a secret message asking for an extension of the embargo for sixty days to protect American ships as war approached. According to Joseph Gales, publisher of the *National Intelligencer* and one of the first reporters of congressional debates, a delegation of members of Congress led by Speaker Clay called upon the president to assure him that a majority was ready to vote for a declaration of war, if he requested it. On June 1, 1812, Madison sent Congress his declaration of war, charging Britain with seizing American seamen; violating the nation's neutral rights and territorial waters; blockading United States ports; and continuing their official restrictions on United States trade. "We behold . . . on the side of the United States, a state of peace toward Great Britain," wrote Madison. "Whether the United States shall continue passive under these progressive usurpations and these accumulating wrongs, or, opposing force to force in defense of their national rights, shall commit a just cause into the hands of the Almighty Disposer of Events, . . . is a solemn question which the Constitution wisely confides to the legislative department of the Government." [18]

On June 5, 1812, the House of Representatives voted 79 to 49 for war. In the Senate, Federalists from New England and the mid-Atlantic maritime states worked to delay a vote. Realizing that the Republican ranks were divided, that some Republicans favored total war with Britain while others wanted war with both Britain and France or limited war or continued delay, the Federalists loaded the war resolution with numerous amendments to provide a cover and an inducement for Republicans to vote against the war. This strategy slowed down the war movement but could not prevent final passage of the resolution. One of the key votes was cast by Senator William Giles, who alternated between prowar and antiwar votes. According to Giles' most recent biographer, Dr. Mary Giunta of the National Historical Publications and Record Commission, Giles believed that both Britain and France were guilty of outrages against the United States, but to war on both of them simultaneously would be folly. He finally concluded that Britain posed the greater threat, since she was based in Canada and controlled the Atlantic. His final vote for war, therefore, was cast out of a "psychological fear of dominance by Great Britain." On June 17, 1812, the Senate voted 19 to 13 for war. [19]

Some of Madison's critics have charged that he capitulated to congressional pressures in return for his renomination to the office of president. This charge appears groundless, since Madison's renomination was made certain as early as March 1812 when the Pennsylvania legislature elected a solid slate of electors committed to him. In May, Madison was renominated by the Republican caucus in a vote of 82 to 0, although again with several abstentions. [20] President Madison did not buy his renomination with a declaration of war. He was as convinced as



William H. Powell's famous painting, *The Battle of Lake Erie,* hangs outside the Senate chamber.

Architect of the Capitol

were the warhawks that war was both necessary and inevitable, and we may assume that the national war fever did not damage Madison's chances for reelection that November. Vice President George Clinton having died in office, the caucus nominated Governor Elbridge Gerry of Massachusetts for vice president. Today, we still associate Gerry's name with political redistricting—*gerrymandering.*

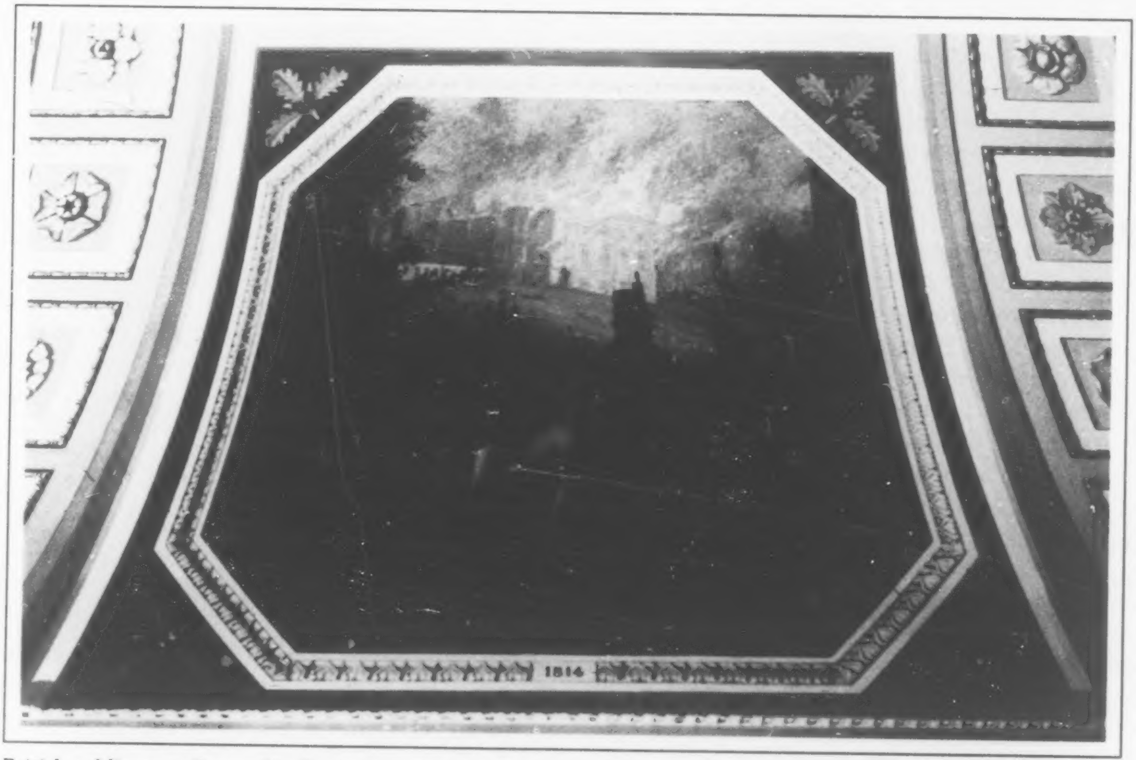
Mr. President, as we have been made so painfully aware in recent years, wars are not so easily fought on the battlefields as they are in the cabinet room or the congressional hearing room. Martial spirit and expectations of quick and easy victory in the eyes of those who declare war cannot be quickly translated into military performance. Even with Great Britain's preoccupation with its conflict with Napoleon on the European continent, the war in North America went very badly for the United States. The gallant young men who marched off to battle met with ignominious defeats. In the summer of 1812, the United States launched a disastrous attack on British Canada, an attack which ended with the city of Detroit occupied by the British, the American garrison at the site of present-day Chicago massacred, and with control of Lake Erie firmly in the hands of the British navy. In November, General Henry Dearborn led a large American force to Canada, but the state militias refused to follow him across the border, and the expedition was forced to turn back. These events exposed the weakness of the state militias and the need for a strong regular army, and also caused President Madison to reorganize the War Department. The only bright notes were the naval victories of the U.S.S. *Constitution* (Old Ironsides) and Captain Stephen Decatur, who captured the British warship *Macedonian* and towed it back to New London, Connecticut.

The second session of the Twelfth Congress opened on November 2, 1812, in a much more subdued mood. Members heard a message from President Madison calling for enlargement of the navy and higher pay for the army and authorization of a $20 million loan to pay the costs of the war. The Senate and House responded favorably with far less opposition than Madison had received during his first term. The only significant opposition to the president in the Senate came over his plan to add twenty more regiments of infantry to the army, and there the opposition centered on lengthening the time of enlistment from one year to upwards of five years.[21]

During 1813, the war situation grew bleaker. The British navy blockaded the entrances to the Chesapeake and Delaware bays, eventually extending their blockade from New England to the Georgia coast. The blockade was extremely effective, causing scarcities of goods along the East Coast, high inflation, and a drastic reduction in government revenues on customs which brought the government to the verge of bankruptcy. Meanwhile, the Americans again moved to gain control over the Great Lakes. In April, a force of 1,600 Americans under General Dearborn seized the British naval fleet at York, the present-day city of Toronto. The mission ended with the destruction of two British ships under construction, but at the cost of 320 American lives; and the control of the Great Lakes remained in British hands.

The American forces were also accused of having burned government buildings as they left York, an act which would stimulate a terrible revenge; however, we should note that General Dearborn, in a letter to Senator Joseph Varnum, insisted that his troops neither burned nor destroyed any public or private buildings in York with the exception of two blockhouses and a few sheds belonging to the naval yard. It was the British, themselves, who set ablaze a frigate under construction and a large storehouse of naval equipment to keep them from falling into the Americans' hands. As General Dearborn explained, "Several of the most valuable public buildings, connected with their principal military positions, were destroyed by the explosion of their magazine, which proved so fatal to our troops; and although there were strong provocations for burning or destroying the town, nothing of the kind took place."[22]

In June, the British captured the American warship *Chesapeake* thirty miles outside of Boston harbor, an event we remember today for the dying words of its thirty-two-year-old captain James Lawrence, "Don't give up the ship!" An even younger captain, twenty-eight-year-old Oliver Hazard Perry, inscribed the words on his flagship *Lawrence,* which played an important role in the greatest American naval victory of the war. On September 10, 1813, the Americans won a decisive victory over the British on Lake Erie, during which the *Lawrence* was so badly damaged that Perry was forced to move to another ship in his fleet. My colleagues may recognize, from my description of this event, the twenty-by-thirty-foot depiction of the battle which hangs over the east staircase of the Senate wing, just outside my office. This most impressive painting, by which we all pass many times during the day, was added to the Senate's artistic collection in 1873. In the carved wooden ribbon, which is part of the painting's massive frame, is the message that Perry sent to General William



British soldiers set fire to the Capitol, forcing the Congress to seek another meeting place. *Architect of the Capitol*

Henry Harrison after the battle, "We have met the enemy and they are ours."

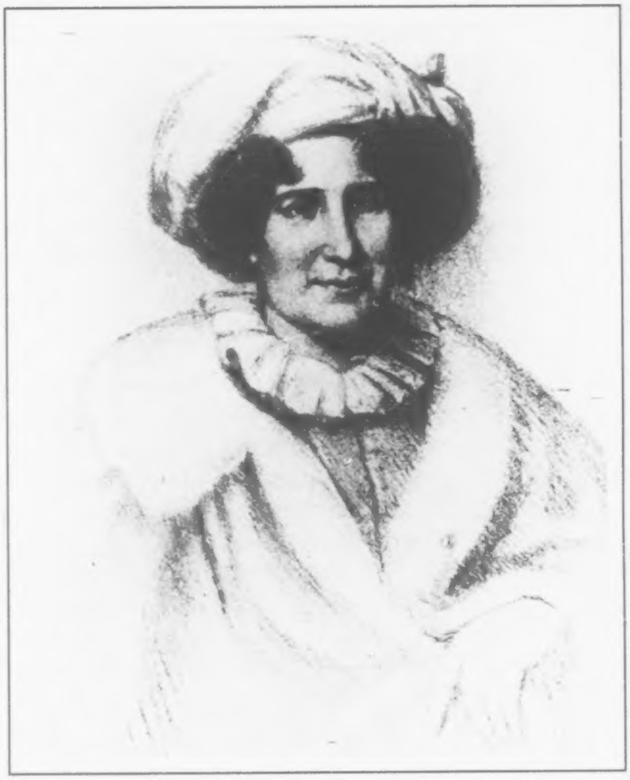
Through the efforts of the American minister to Russia, former Senator John Quincy Adams, the tsar of Russia offered to mediate between the United States and Britain. President Madison quickly acted to appoint a peace commission composed of Adams, House Speaker Clay, who had supported the war, Senator James Bayard of Delaware, who had opposed the war, and Treasury Secretary Albert Gallatin. The Senate quickly confirmed the nominations of all but Gallatin. Federalist Senator Rufus King of New York challenged Gallatin's nomination, asking who would perform his duties at the treasury while he was absent in Europe. Anti-administration Republicans, led again by William Giles, joined forces with the Federalists to oppose the nomination which was defeated 17 to 18. Despite the lack of confirmation, however, Gallatin sailed for Russia as the president's emissary. The whole issue was made moot by the British decision to reject the tsar's offer; however, the British did agree to enter into direct negotiations with the Americans. Since Gallatin was already overseas, he resigned his secretaryship on February 9, 1814, and joined the new negotiations. On the same day, the Senate at last confirmed his appointment to the peace commission, which would meet in the Belgian city of Ghent.[23]

The negotiations proceeded slowly, and in April, after the abdication of Napoleon, the British decided to prosecute the war with new attention rather than settle their differences diplomatically. Most of the fighting continued to concentrate around the Canadian border and the Great Lakes, but the stalemate continued. The British bombarded American forces at Fort Erie, but their attack against Fort Plattsburg on Lake Champlain proved a complete failure. As a diversionary tactic to reduce pressure on the Canadian front, the British launched a force of four thousand men to attack the mid-Atlantic seacoast, and the city of Washington became their prime target.

In mid-August 1814, the British fleet sailed into Chesapeake Bay to the mouth of the Patuxent River. British troops disembarked and marched overland to Marlboro, Maryland, where they were met by the combined American militia and naval forces under General William Winder and navy captain—later commodore—Joshua Barney. The two sides fought on the fields of Bladensburg near the infamous old dueling grounds. Despite the American advantage of more numerous troops fighting on their own territory and defending their capital city, the British broke through the lines at Bladensburg and proceeded towards Washington. Needless to say, the city was filled with panic and its citizens fled.

Here is the account of Margaret Bayard Smith, wife of the *National Intelligencer's* founder Samuel Harrison Smith. Having observed the cheerful readiness of the American militia, Mrs. Smith had no doubts concerning their eventual victory over the British, but then one night her family was awakened by a loud knocking on their door:

> Willie Bradley called to us, "The enemy are advancing, our own troops are giving way on all sides and are retreating to the city. Go, for God's sake go." He spoke in a voice of agony, and then flew to his horse and was out of sight in a moment. We immediately rose, the carriage and horses were soon ready, we loaded a wagon with what goods remained and about three o'clock left our house with all our servants, the women we sent to some private farm houses at a safe distance, while we pursued our course.



Margaret Bayard Smith's letters recorded the British invasion of Washington in 1814.
U.S. Senate Curator's Office

The next morning, the Smith family received the sad news that "our city was taken, the bridges and public buildings burnt, our troops flying in every direction. Our little army totally dispersed." The British had marched into the city and destroyed first the navy yard and then the Capitol. "They had great difficulty in firing the Capitol," Mrs. Smith reported, "several houses on the hill were burnt by cinders from the Capitol, but none by design." [24]

As a symbol of the government, the Senate and House wings of the uncompleted building were slated for destruction by the British, who piled up books from the Library of Congress, along with documents and furnishings, to set fire to the chambers. Capitol Architect Benjamin Henry Latrobe later wrote that "great efforts were made to destroy the Supreme Court room, which was built with uncommon solidarity, by collecting into it, and setting fire to, the furniture of the adjacent rooms. By this means the columns were cracked exceedingly." Upstairs in the Senate chamber, Latrobe found the damage extensive. The fire "burnt the marble column to lime" and "cracked every thing which was of freestone." [25] The interior of the Capitol was totally destroyed, and the exterior was saved only by a fierce thunderstorm and heavy wind of the type we so often experience during Washington summers. As we know, the British also badly damaged the White House, forcing President Madison to flee to Virginia. While most of the White House art and furnishings were destroyed, Dolley Madison did order the staff to save the Gilbert Stuart portrait of George Washington, which hangs in the White House to this day. It was after the destruction of Washington that the British moved to Baltimore, where the firing upon Fort McHenry inspired Francis Scott Key to write "The Star Spangled Banner."

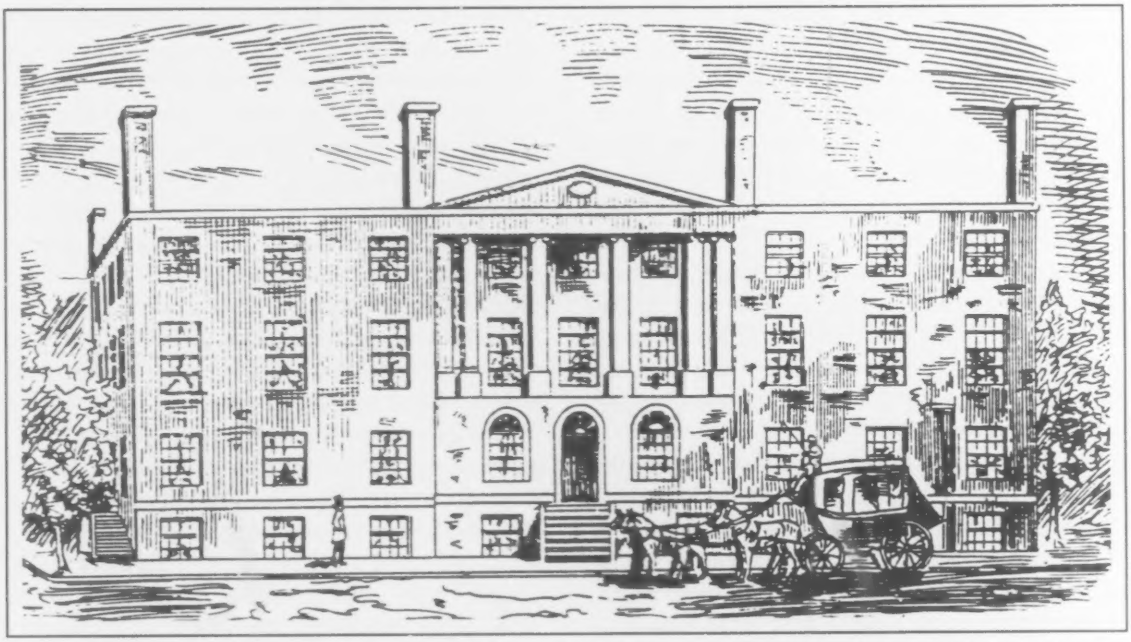
Because so many of the staff of the Senate and House were called to duty in the militia to guard the city, the records of the Congress were left in the Capitol Building until the last moment. As a result, many House documents were destroyed in the fire. The Senate, already in some disarray following the recent death of its secretary, Samuel A. Otis, was fortunate to have a quick-witted clerk named Lewis Machen, who commandeered a farmer's cart and loaded up the Senate's records to carry them to safety in the Virginia countryside.

When the members of the Thirteenth Congress returned to Washington in September 1814, they found the Capitol a smoke-stained ruins with windows broken, chambers and furnishings destroyed, and the library in ashes. Congress convened on September 19 at Blodgett's Hotel in downtown Washington. At that time, the building was being used as the Patent Office and had been spared destruction only when Dr. William Thornton (the original designer of the Capitol Building) stood in its doorway and told the British officer in charge that "to burn what would be useful for all mankind would be as barbarous as formerly to burn the Alexandrian Library, for which the Turks have since been condemned by all enlightened nations." [26]

The Senate and House met in these cramped quarters for several months until the citizens of Washington built them a temporary meeting hall, known as the Brick Capitol, on the site of the present-day Supreme Court building. This act of generosity on the part of Washington citizens was motivated by a desire to prevent the federal government from moving to another location; indeed, Philadelphia was making overtures to attract the government back to that former site. Another generous offer came from the Georgetown booksellers, Richards and Mallory, who offered the use of their books to members of Congress during that session, since the volumes of the Library of Congress had been destroyed.[27]

It was in connection with the destruction of the Library of Congress in the Capitol that former President Thomas Jefferson wrote Senator Samuel Smith on September 21, 1814, "I learn from the newspapers that the Vandalism of our enemy has triumphed at Washington, over science as well as the arts, by the destruction of the noble edifice in which it was deposited."

To replace the Library of Congress' burned copies, Jefferson offered his own magnificent collection which he had spent fifty years putting together, having "spared no pains, opportunity, or expense, to make it what it now is." Jefferson's library contained 6,487 volumes of politics, history, science, law, lit-



For several months following the destruction of the Capitol, Congress met at Blodgett's Hotel. *Library of Congress*

erature, fine arts, and philosophy. It is somewhat stunning to read that some members of Congress objected that Jefferson's collection was "too philosophical, had too many books in foreign languages, was too costly, and was too large for the wants of Congress." Fortunately, on January 26, 1815, Congress authorized $23,950 to purchase the library. According to a recent publication, "The Jefferson Library forms the nucleus around which the present collections of the Library of Congress have been assembled." Many of the volumes in Jefferson's library were subsequently destroyed in a fire in 1851, but other volumes remain and have been assembled as a unit in the Rare Book and Special Collections Division of the library.[28]

The War of 1812 ended with great irony. The Treaty of Ghent, concluding the war, was signed on Christmas Eve of 1814. The peace treaty made no reference to the issues of impressment of American seamen, naval blockades, or the disputed boundary with Canada, which had caused the war in the first place. It merely restored conditions to the way they had been before the war broke out. In those days, news traveled slowly, and word of the treaty did not reach American shores until February 11, 1815. By then, the Americans had already received news of the great victory of General and former Senator Andrew Jackson at the Battle of New Orleans. Regular troops and frontier riflemen under Jackson's command had inflicted appalling casualties on the British line, killing or wounding over two thousand British soldiers at a cost of only twenty-one American casualties! This great victory was actually won *after* the peace treaty was signed, but, because it reached the public before the news of the Treaty of Ghent, it appeared that the United States had won the final victory. This event came as a great boost to the young nation's pride and self-esteem and made General Jackson a symbol for an age, carrying him eventually to the White House.

On February 13, 1815, Senator Giles reported a resolution honoring General Jackson and the men who served under his command for their "most signal and complete victory over the enemy." A gold medal was struck in commemoration and presented to General Jackson. Two days later, on February 15, President Madison transmitted to the Senate the Treaty of Ghent. The following day, the Senate, with obvious relief, voted unanimously to approve ratification of the peace treaty.[29]

The Senate of the third session of the Thirteenth Congress and of the subsequent Fourteenth Congress was very different in attitude from that of the Eleventh Congress at the start of the Madison administration. The Republicans were still the majority party, and the Federalists had committed suicide as a party through their ill-timed Hartford Convention with its overtures of secession from the Union, which they called on the very eve of peace with Great Britain. Within a few years, the Federalist party would be but a memory, and all members of Congress would identify themselves as Republicans. But these Republicans had been sobered by the difficult war which had seen so many military defeats, the burning of the Capitol, and the bankruptcy of the federal treasury. They now turned to passing nationalist legislation dealing with a national bank, protective tariffs, direct taxation, and internal improvements. All of these measures were far more Hamiltonian than Jeffersonian in nature.

To take one of these as a case study: That the Republican majority would charter the Second Bank of the United States during the administration of James Madison is quite amazing when one considers that the Jeffersonian Republicans had bitterly fought against Hamilton's original bank in the 1790's, and that Madison himself had led the fight against the bank while a member of the House. The charter for the first bank had expired in 1811. At that time, Georgia Senator William H. Crawford had led the administration forces in an effort to renew the charter, while William Branch Giles led the "Old Republicans" determined to defeat the bank. Giles and others saw in the bank the last vestiges of federalism, as well as an unconstitutional institution. On February 20, 1811, the Senate voted 20 to 20 on the bank issue, which was then decided in the negative by Vice President George Clinton. Clinton explained his action by saying that the "tendency to consolidation" seemed to him a "just and serious cause of alarm."[30]

The United States went through the difficult War of 1812 without a national bank, and its finances fell into disarray. The war made the need for a central banking institution all the more apparent to the new treasury secretary, Alexander Dallas, who recommended chartering a second bank in 1814. Congress, however, passed a much watered-down version, which President Madison chose to veto in January 1815 on the grounds that it was inadequate for the purposes of restoring the public credit, creating a national currency, and guaranteeing the public a means of obtaining durable loans.[31]

Again in his message to the Fourteenth Congress in December 1815, Madison revived the issue of a national bank. In the House, this measure was supported by three remarkable young congressmen, Henry Clay, John C. Calhoun, and Daniel Webster, who, collectively and individually, would shape American political life over the next thirty years, and about whom I shall have much to say in the future. In the Senate, the Committee on Finance reported the bill on March 25, 1816. Chairman George Washington Campbell admitted that he considered the bill defective, but that the members had been in too much disagreement to decide upon appropriate amendments. Senator William Hill Wells of Delaware spoke out forcefully against the bill, arguing that "the disease, it is said, under which the people labor, is the banking fever of the States; and this is to be cured by giving them the banking fever of the United States." Despite such protestations, the Senate passed the bank bill by a vote of 22 to 12 on April 3, 1816. Capitalized at $35 million, the Bank of the United States had its central office in Philadelphia and as many as twenty-five branches around the country. Although the Republicans had abandoned much of their heritage to support the bank in a burst of postwar nationalism and realism, the controversies surrounding it were far from over and would surface again within the coming decades to significantly alter American political history.[32]

Before bringing this account to a close, I should like to discuss one other piece of postwar legislation, certainly not as significant as the Second Bank of the United States, but one which my colleagues might find most interesting. This was the Compensation Act of 1816 which, for the first time, provided members of Congress with an annual salary. The furor which this bill aroused demonstrates very aptly that the subject of congressional pay has been a most controversial one from the earliest days of our republic. Prior to 1816, members of Congress had been paid six dollars a day for every day the Congress was in session. Wartime inflation had reduced buying power significantly enough that the legislators were prepared to tackle the "peculiar delicacy of the subject." Some members who were independently wealthy were opposed to the whole concept of salaries for legislative services. Others believed that more adequate compensation would attract more competent men to government service. On March 13, 1816, the Senate followed the lead of the House of Representatives and voted 22 to 11 (with thirteen Republicans and nine Federalists voting in favor of the bill, and eight Republicans and three Federalists opposing it) to establish an annual salary.[33]

Niles' Weekly Register, a popular national periodical of the time which focused much attention on the Congress, estimated that, for the past eight years, the Congress had met for an average of 165¼ days each year, amounting to payment of $991.50 to each member of Congress, exclusive of travel payments. To raise the salary to $1,500 would mean an increase of $508.50 a year per member, totaling some $400,000 in additional federal expenditures. *Niles'* noted that the state legislatures of New Hampshire (Republican) and Rhode Island (Federalist) had already passed resolutions condemning the annual salary and demanding that it be rescinded, and that the bill had aroused intense public disapproval in Pennsylvania, South Carolina, Ohio, and Kentucky. *Niles'* contended, however, that

> if *six* dollars per day, for the compensation of a member of congress, leaving his home and his business to attend to the affairs of the public, was not too much when the law first allowed it, it is a great deal too little now; for within those two periods the normal average value of every article of food and clothing has been doubled—and certainly, 1500 dollars a year can be no object to a gentleman possessed of talents sufficient to represent an enlightened people in congress.

Despite these words of support, in the next election two-thirds of the members of the House were defeated. Several senators were also defeated and others resigned rather than stand for reelection. The next year, Congress repealed the Compensation Act.[34]

Mr. President, I have today recounted a story of national passion: a sense of injustice over our treatment by stronger powers; a war for national honor, for freedom of commerce, and for territorial expansion. I have described the British assault on the nation's capital, including the very building in which we meet today, and finally the rebuilding of the nation with a new emphasis on internal improvements and westward migration. The first political era of Federalists versus Republicans was drawing to a close, and a new one-party era was emerging. The programs of the two parties were merging, and the heirs of Thomas Jefferson were enacting such Hamiltonian programs as the Second Bank of the United States. It is significant to note that, after this great national catastrophe, the War of 1812, the political parties reevaluated their positions, swallowed hard, and adopted new measures necessary for a new era. This pattern has been repeated often in our history, and it has generally involved the federal government's assumption of far more power and responsibility than previously anticipated.

CHAPTER 5

The Era of Good Feelings
1817–1824

October 20, 1981

Mr. President, in the fall of 1816, a caucus of Senate and House Republicans picked as its presidential candidate Secretary of State and former Virginia Senator James Monroe to succeed James Madison. Grudgingly acknowledging that the party of John Adams and Alexander Hamilton had run its course, the Federalists made no serious attempt to organize a campaign. Their candidate was that party's longtime standard-bearer, Senator Rufus King of New York. King was the only senator left in Congress who had been a framer of the Constitution and was respected even by his enemies. But he suffered under no illusions; King knew that he would not become president. Monroe, by an electoral vote of 183 to 34, would be the first former senator and fourth Virginian to hold the office. Not that Monroe was a magnetic figure; on the contrary, he appeared amiable but colorless. As King later noted of his opponent, "He had the zealous support of nobody, and he was exempt from the hostility of Everybody." [1]

Rufus King was the last Federalist presidential candidate. His half-hearted campaign marked the end of an era. Federalism would survive only locally and in the careers of a few men like King, who remained its most eloquent spokesman in the Senate for nine more years.[2]

Shortly after his inauguration, Monroe made a good-will tour through New England offering reconciliation. Afterwards, the Federalist *Columbian Centinel* of Boston reported: "During the late Presidential Jubilee many persons have met at festive boards, in pleasant converse, whom party politics had long severed. We recur with pleasure to all the circumstances which attended the demonstration of good feelings." [3]

The article was entitled "Era of Good Feelings." While the editors probably did not intend to speak for more than Boston, the phrase grew in popularity until it became synonymous with the administration of James Monroe. Feelings of one kind or another, indeed, ran high during this era, but, beneath the happy surface, they were invariably not good.

In Congress, the Era of Good Feelings got off to an unfriendly start. The House and Senate continued to meet in the temporary Brick Capitol while repairs were being made to the Capitol. The Senate met on the first floor and the House on the second. When it came time to make preparations for the inauguration of Monroe, an irresolvable quarrel over whose chamber should be used broke out between the representatives and senators. Finally, as inauguration day drew near, a wooden platform was erected outside the hall. Fortunately, the day was mild when Monroe delivered his inaugural address to a crowd of eight thousand.

No sooner had the Fifteenth Congress gotten underway when the troublesome question of compensation for members came up. During the Fourteenth Congress, the Senate and House had voted themselves an annual salary of fifteen hundred dollars—a significant increase over the six dollars per diem for days Congress was in session, which they had received up until then. The furor that erupted across the nation over what many considered exorbitant remuneration had led to the defeat of several members of Congress the previous autumn. Chastened and fearful for their own seats should the people's anger not abate over the next two years, the congressmen sought to rectify the situation.

During January 1818, the Senate and House sought a just compensation. Many supported returning to a per diem salary, but at a rate of ten dollars rather than six dollars. Though this would have meant a considerable reduction in pay from fifteen hundred dollars annually, many constituents were not appeased. One indignant reader of *Niles' Weekly Register* took that journal to task for supporting the ten dollar figure:

> Can you seriously contend for ten dollars per diem to the members of congress, as a reasonable compensation! It would appear from your remarks, that you think this necessary to induce a man of talents to attend, and enable him to live at "Washington as a gentleman." Ah! what a fascinating epithet! Is it not to be feared, that the efforts making to enable our members to live like gentlemen, will, in the end, destroy the morals, and ruin the republican institutions of our happy country? . . . Ten dollars per day may be necessary to support a gambler, or a prodigal, but neither of them are even conterminous to a gentleman.

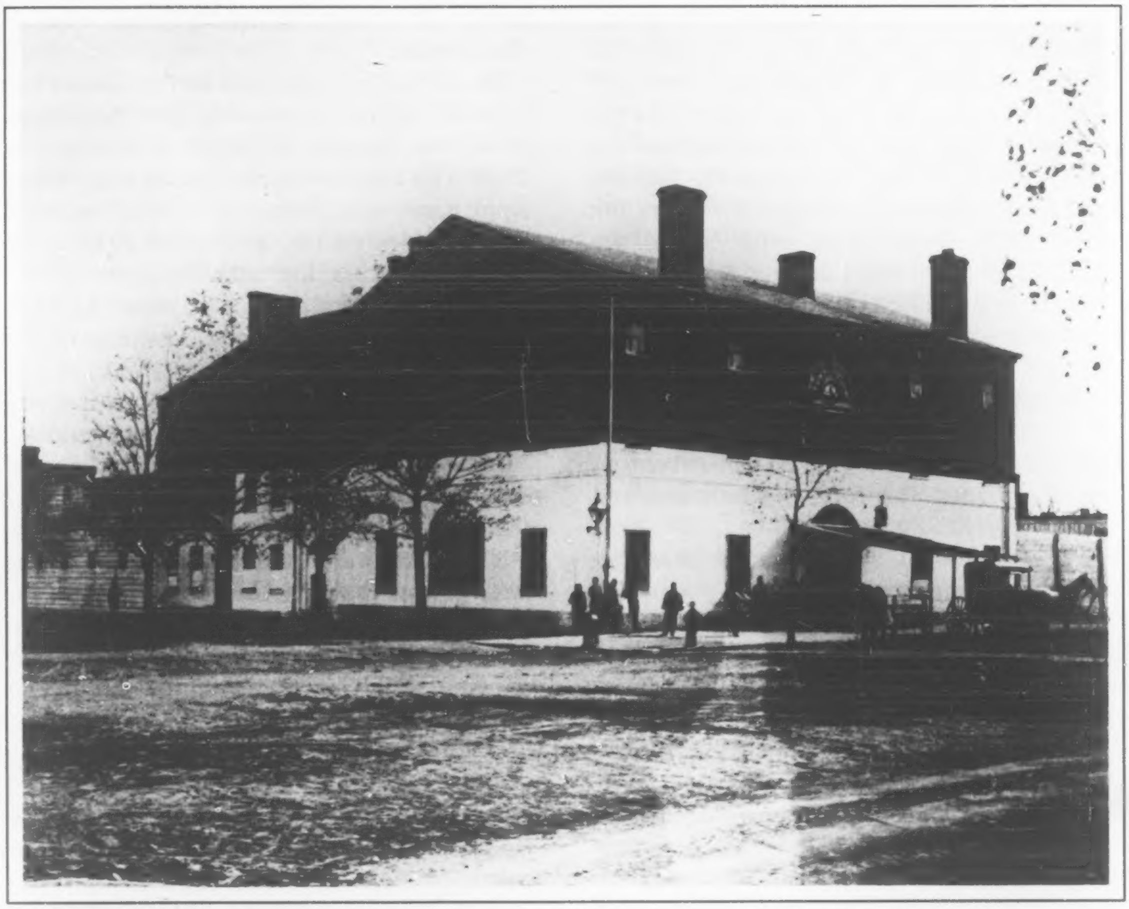
The letter-writer angrily went on:

> . . . in many parts of the United States six dollars a day was sufficient to produce great competitions for seats in congress. . . . at the old allowance we shall never be at loss to find members, and such as are best qualified to serve us. Your high minded, dashing, loquacious men are by no means the safest and surest representatives of a republican people.[4]

Efforts to gain a ten dollar per diem were defeated, and the bill which the House passed on to the Senate provided for an eight dollar daily fee. Senators James Wilson and Mahlon Dickerson, both of New Jersey, sought to lower it further to the old six dollar rate but were defeated. Finally, on January 13, 1818, the Senate voted to return to the eight dollar per day rate. So hot an issue was congressional pay that the rate remained unchanged for almost forty years! From 1818 until 1855, regardless of inflation and depression, boom and bust, senators and representatives received eight dollars each day Congress was in session.[5]

After his inauguration, Monroe and the House and Senate settled down to business. The confrontation between the president and Congress with regard to their respective authority in the area of internal improvements was instantly renewed. In his first annual address to Congress, Monroe made it clear that, while roads and canals were necessary, he agreed with his predecessor that Congress had no right to appropriate public money for such things. To enable Congress to do so, he believed, would require an amendment to the Constitution. That was a long and tedious process.

When the whole matter bogged down in detail, it was dropped temporarily. Monroe



The Brick Capitol served as a temporary meeting place of Congress from 1815 to 1819, and later became a prison during the Civil War. *National Archives*

turned his attention to foreign affairs, but the growing number of senators and representatives from the new western states would soon be heard from again.

Monroe's secretary of state, John Quincy Adams, was trying to negotiate with Spain for the peaceful cession of Florida to the United States. Negotiations were proceeding nicely when extremely unsettling news began to reach Washington about the exploits of Andrew Jackson, the gangling young man from Tennessee who had served an undistinguished two-year term in the Senate two decades earlier. Jackson had made quite a name for himself in the intervening years. He had captured the nation's imagination and risen to fame as the supreme military hero of the War of 1812, the victor of the Battle of New Orleans.

In 1817, however, Jackson's excessive zeal as commander of the southern division was bringing the United States to the brink of war with Spain. He had been sent south to punish the Seminole Indians who had been marauding in Georgia. He had orders to pursue them into Spanish territory, if necessary, to break up their bands. The overly enthusiastic general sent a secret letter to Monroe, offering to reduce the whole of Florida in sixty days if the president wished. Monroe, who was sick in bed, never read the letter. Taking silence for consent, Jackson proceeded to make good his offer. In the midst of its negotiations with Spain, the State Department was horrified to learn that Jackson was busily capturing town after town in the very territory for which the government was negotiating. Before Jackson could be stopped, he had seized the Fort of St. Mark's, hanged two Indian leaders, court-martialed and hanged two British adventurers, bombarded the fort at Barrances, and taken the city of Pensacola.[6]

Not surprisingly, Spain, the president, the secretary of state, and the Congress were furious. Monroe's chagrined report to Congress on Jackson's exploits was referred to agitated House and Senate committees. If Monroe, despite his protests to the contrary, had actually authorized Jackson's expedition, he had grossly usurped Congress' power. And if Jackson had not been so authorized, then he had wronged Congress. The final House report on the issue, however, vindicated the general. In the Senate, the report condemned Jackson.[7]

The announcement of the unexpected success of Secretary of State Adams' diplomacy made the whole matter a dead issue. Adams had negotiated a treaty with Spain which transferred Florida to the United States in return for the relinquishment of a dubious American claim to Texas. On February 24, 1819, the Senate unanimously approved the treaty.[8] The year before, the government had signed an agreement with England establishing the forty-ninth parallel as the boundary between the United States and Canada and sanctioning the joint occupation of the Oregon country. The nation was expanding rapidly. It was this expansion that precipitated the most bitterly fought crisis of the decade.

Since the War of 1812, four new states had joined the Union: Indiana in 1816, Mississippi in 1817, Illinois in 1818, and Alabama in 1819. The country to the east of the Mississippi River was filling up. Towns replaced forests in the North, and cotton fields were spreading out across the flatlands of the South. Men were moving beyond the Mississippi. Daniel Boone had been one of the first, when he moved west in 1798 to escape civilized Kentucky, but now a host of hardy pioneers followed. Hitherto, by an unspoken agreement in Congress, northern and southern states had been admitted in pairs as was the case with Indiana and Mississippi, as well as Illinois and Alabama. By 1819, all the land east of the Mississippi River, with the exception of the Michigan Territory, was divided by the Potomac and Ohio rivers into two equal groups of eleven slave and free states.

Which trans-Mississippi state would be the first to seek admission to the Union? Would it be slave or free? The answer to the first question came swiftly. Late in December 1818, Missouri made its bid for statehood. But the process of arriving at an answer to the second question would violently split apart the Senate, the House, and the nation, and leave a wound that refused to heal.

The enabling act for statehood was drawn up in the House and mentioned nothing about slavery. The issue was not raised until February 13, 1819, when Representative James Tallmadge of New York arose and offered amendments prohibiting the further introduction of slaves into Missouri and emancipating, at age twenty-five, all slaves thereafter born in the state. Tallmadge's specific motives in offering his explosive amendment remain unknown, but its effect was immediate. The battle over slavery had begun. Though he would not live to see his grisly prophecy come true, Representative Thomas Cobb of Georgia was correct when he shouted at Tallmadge, "You have kindled a fire which all the waters of the ocean cannot put out, which seas of blood can only extinguish." [9]

Tallmadge's amendments made sense to antislavery northerners. The Northwest Ordinance banned slavery in any state created from territory north of the Ohio River. Missouri, however, had been settled mainly by southerners, many of whom had brought their slaves with them. The slaveholders argued that it was unconstitutional for Congress to place restrictions on citizens of a state as a condition of admittance. The antislavery forces, however, had the votes in the House. The Tallmadge amendments were adopted by a strictly sectional vote on February 16, 1819, and the amended enabling bill was sent to the Senate. In the Senate, the southerners had the votes and, on February 27, by votes of 31 to 7 and 22 to 16, they struck out the amendments and returned the bill to the House in its original form.[10]

At that point, the Fifteenth Congress had only three days remaining. The House restored the antislavery amendments, and the bill returned to the Senate. Again, the Senate struck them out and sent the bill back to the House. The House refused to concur in the Senate's action; the Senate remained obdurate. And so, on March 4, 1819, at the close of the Fifteenth Congress, the Missouri enabling bill died.

While the enabling bill had been set aside, the awful paradox that slavery could have a legal existence in a land of free men was now fully open to inspection. In northern cities, citizens declared themselves astonished and horrified at the thought that the institution of slavery could travel westward across the Mississippi, though it had been doing so for many years. Southern pamphleteers were equally outraged at the suggestion that slavery could be prevented from ranging over the whole Louisiana Purchase.

During three crucial events in America's early history—the framing of the Constitution, the Aaron Burr conspiracy, and the War of 1812—the tinder in the anomaly of slavery in a democratic republic had threatened to burst into flame. Now that it had flared into the open, Americans no longer asked themselves whether the fire could be extinguished but whether the fire could be banked.

As the historian George Dangerfield noted in his informative book *The Era of Good Feelings*, the Tallmadge amendments and the series of town meetings, pamphlets, editorials, and debates they excited, summoned the South into being. Prior to the Tallmadge amendments,

> those who dwelt south of the Mason-Dixon line might have been said to have, perhaps, a kind of climatic fellowship. They had the same long hot summers, the violent storms and unpredictable droughts; their winters were always severe, their up-country rivers froze solid from bank to bank. . . . Such weather raised their ceilings and proliferated their piazzas and balconies; encouraged the growing of staple crops, even while the rains and heat defertilized the soil; and it slowed down the pace of their life. But no generalization could absorb their differences—at least, no generalization based upon climate. The Southern states were a patchwork of political and social distinctions: distinctions between the old South and new Southwest, between small farmers and planters, between merchants and manufacturers. Valley warred with mountain, country with town, the Atlantic with the Gulf. . . . Everywhere there were contradictions and incompatibilities. . . . And yet all were loosely bound together—the Creole aristocrat of New Orleans, the liberal nationalist of South Carolina, the parvenu cotton-planter of Georgia, the hemp grower of Kentucky, the tobacco magnate of Virginia—all were bound together by the institution of slavery. The Tallmadge Amendment, like a powerful spell, conjured this loose bondage into a tightness and coherence it was never afterwards to lose. [11]

Everyone knew that when Congress reconvened, the fight over Missouri would be renewed. But, by the time the Sixteenth Congress met on Monday, December 6, 1819, compromise seemed possible. With the consent of Massachusetts, of which it was then a part, the state of Maine had been organized, and, in the fall of 1819, it applied for admission to the Union. This offered an opportunity to revert to the old system of admitting free and slave states in pairs. The fire was further stoked, however, when another move was made, this time in the Senate by Jonathan Roberts of Pennsylvania, to forbid the importation of slaves into Missouri.

The Senate debate that followed raged for three weeks. It took place back in familiar territory. The Capitol, its scarred freestone gleaming with fresh white paint, was habitable for the first time since the British had put it to the torch in 1814. The new galleries overflowed with spectators. Vice President Daniel Tompkins graciously permitted several ladies onto the Senate floor. Indignant House members visiting the chamber found the ladies' voluminous skirts billowing over the sofas and chairs usually reserved for them.

The Senate debates on the Missouri question began on January 13, 1820. The air was charged with acrimonious electricity. Senator James Barbour of Virginia announced that the subject under discussion was an ignited spark which would produce an explosion shaking the Union to its center. Senator Harrison Gray Otis of Massachusetts pointedly replied that the pine forests of Maine, if set afire, would burn with as fierce a flame as the grasslands of Missouri. These innuendos, followed by certain remarks regarding the dubious behavior of New Englanders during the War of 1812, were hardly calculated to restore harmony to the chamber. When Pennsylvania's Jonathan Roberts invoked the Declaration of Independence and urged his fellow senators not to admit Missouri "with her features marred as if the fingers of Lucifer had been drawn across them," any chance of peaceful discussion within the chamber of the United States Senate seemed to have vanished forever.[12]

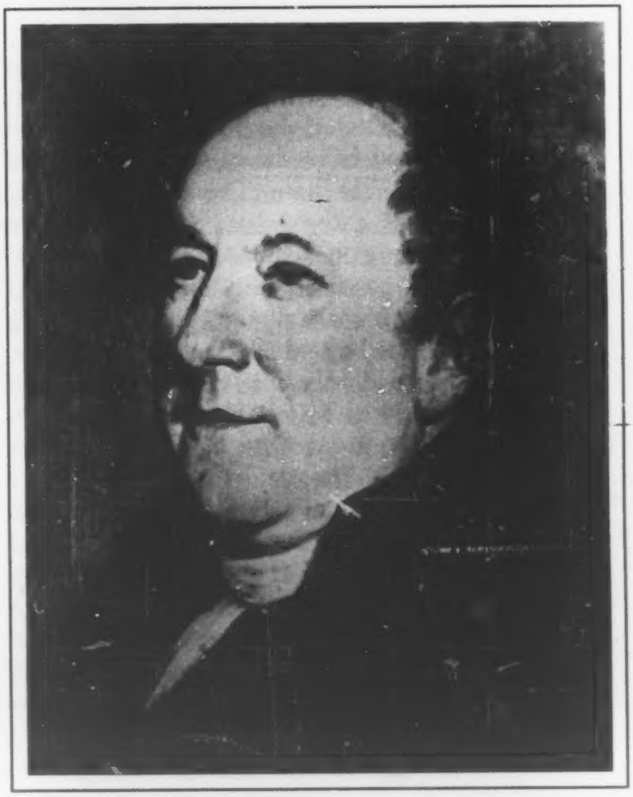
At first, the southern forces were led by William Pinkney of Maryland who, wearing elegant ruffled sleeves and tinted gloves, was the picture of leisure-class ease. Rufus King, then sixty-five, led the northern fight for Roberts' amendments. Debate initially focused on constitutional issues. Here, the southern senators were on stable ground. They seemed unusually adept at interpreting the Constitution and could do so in a dignified way. When northerners began to argue that slavery was *morally* wrong, however, the southerners were thrown off guard. Their attempts to refute this charge led them into sinister extravagances.

The new twist in southern logic could first be detected in late January. Senator Nathaniel Macon of North Carolina was its chief spokesman. Macon praised southern gentility and gradually began to paint a picture of bucolic plantation life. Macon lauded the South and its institutions and told his colleagues, "I sincerly wish that he [Senator James Burrill of Rhode Island, an antislavery senator] and the gentleman from Pennsylvania [Senator Roberts] would go home with me, or with some other southern member, and witness the meeting between the slaves and the owner, and see the glad faces and the hearty shaking of hands." Macon declared that "the old ones [slaves] are better taken care of than any poor in the world, and treated with decent respect by all their white acquaintances." He argued that "the owner can make more free in conversation with his slave, and be more easy in his company, than the rich man, where there is no slave, with the white hireling who drives his carriage."[13]

Here were the beginnings of a systematic defense of slavery—not as a necessary evil, but as a positive good. Macon's new theme was elaborately embroidered by other southern senators. On January 26, Senator William Smith of South Carolina made a speech that Senator Benjamin Ruggles of Ohio characterized as "going farther than he had ever heard any gentleman go before." [14] Smith was a strict Jeffersonian with a bitter and sarcastic tongue. His speech is a landmark in the history of the Senate because it was the first open and impassioned justification of slavery ever made in the chamber. In his long harangue, Smith set out to prove that slavery was a system blessed by the Lord. "This," said Smith, referring to slavery, "was the law given by the God of Abraham, the God of Isaac, and the God of Jacob. . . . Christ himself gave a sanction to slavery." [15] No other senators had ever gone so far. Now there would be no turning back.[16]

In February 1820, Rufus King replied to Smith in two speeches that were masterful but devoid of the fiery rhetoric the spectators in the galleries loved. Some southern senators understood King to have said that he felt himself degraded at having to sit in the same chamber with men who owned slaves, and they hated him for it. What King had really said was that he felt inferior because "the citizens of the states where slavery prevails possess a greater portion of political power, than the citizens of states in which slavery is excluded," and that he did not wish to increase the humiliation by extending slavery.[17]

King's actual words hit as sensitive a nerve as his perceived words. What was at stake in the Missouri question was more than slavery. It was a question of political power. The Senate stood evenly balanced, eleven northern states and eleven southern states. If both Maine and Missouri were admitted as free states, the South and its "peculiar institution" would surely be overpowered. From the South's perspective, it was a fight for survival. Missouri must be a slave state.



Rufus King of New York represented antislavery sentiment during debates on the Missouri Compromise. *Independence National Historical Park*

The southerners in the Senate were better organized, more learned, and more supple in debate than their northern colleagues. Even Rufus King had to confess that the northern senators "fight Militia against Regulars." [18] On February 17, an amendment, proposed by Senator Jesse B. Thomas from the new state of Illinois, passed the Senate by a vote of 34 to 10, and, with an enormous sigh of relief, the proposed compromise was sent off to the House.[19]

The press had begun to call the deliberations on the Missouri question "the Misery Debate." After a week of bitter day and night sessions in the House, a conference committee worked out a two-part compromise that included the Thomas amendment and admitted Missouri as a slave state and Maine as a free state. The measure passed both houses and received President Monroe's signature on March 3, 1820.

With the passing of the Missouri Compromise, many naively thought that the slavery question was settled forever. In fact, it remained settled only until the next session of Congress, when Missouri presented its new state constitution to the House and Senate for approval. The delegates to Missouri's constitutional convention had copied the constitution of the state of Kentucky almost verbatim—almost, but not quite. There were two clauses unique to the Missouri Constitution that outraged antislavery congressmen. One forbade the state legislature from interfering with slavery in any manner, and the other prevented "free negroes and mulattoes from coming to and settling in this state, under any pretext whatsoever." In view of the fact that there were several states in which blacks were free men and citizens, the latter clause seemed a gross violation of the federal Constitution's guarantee that "the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several states."

The Senate avoided the difficult issues posed by the Missouri Constitution by adding only one proviso and passing it on to the House. The proviso, offered by Senator John Eaton of Tennessee, stated, "That nothing herein contained shall be so construed as giving the assent of Congress to so much of the constitution of the State of Missouri . . . as may be repugnant to that provision of the Constitution of the United States which prescribes that 'the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States.' "[20] Eaton's proviso was intentionally toothless. Basically, it allowed Congress to admit a state to the Union and, at the same time, withhold its assent from that state's constitution. It adroitly avoided the crucial question: Could the people of Missouri prohibit the citizens of another state—for example, Massachusetts—from crossing their borders? [21] In the House, a southern motion to accept the Missouri Constitution was defeated, 79 to 93, on December 13, 1820. The action touched off six weeks of wild and angry debate.[22]

The Missouri question was still unsettled in February 1821 and threw into pandemonium efforts to count the electoral ballots. During the fall of 1820, almost incidentally, a presidential election had been held. Monroe, who had managed to stay out of the Missouri controversy, was the only serious candidate. Monroe received the vote of every elector in the nation except that of former Senator William Plumer of New Hampshire, who thought that George Washington should be the only president honored by a unanimous election. Plumer cast his vote for John Quincy Adams.[23]

On February 14, 1821, in the midst of the Missouri debates, the Senate proceeded to the House chamber for the formal counting of the electoral votes. All went quietly until the vote of Missouri, the statehood of which was still being contested. It was instantly challenged. Half a dozen representatives leaped to their feet. Others joined in and soon the whole House was in an uproar. Amid the hubbub, a senator was heard calling out that the Senate ought to withdraw. Vice President Tompkins quickly put the barely audible motion, declared it carried, and led the retreat of the Senate from the disgraceful scene. Later in the afternoon, after the candles in the chamber had been lit and the tumult had finally died down, the senators returned. As soon as the vice president started to announce the electoral result, a shouting match broke out again. The Speaker managed to keep order long enough for the vice president to make the announcement of Monroe's victory in the prescribed form, after which the Senate again hastily withdrew.[24]

With two weeks left in the Sixteenth Congress to settle the Missouri question, Henry Clay, who had recently stepped down as Speaker of the House, put together a special joint Senate and House committee of twenty-three members to try to work out a compromise. The committee reported out a recommendation almost identical to Eaton's earlier proviso. Missouri would be admitted under an obligation to respect "the rights and privileges of all citizens of the United States." Most realized that this clause was not likely to be enforced to protect a single free black who should venture over Missouri's borders, but the recommendation was accepted nonetheless.

Missouri, with its offensive constitution, had at last become a state. The nation breathed easier, once again believing that the issue of slavery had been put to rest for good. The aged Thomas Jefferson, home at Monticello, saw the compromise for what it truly was, "a fire bell in the night." The Missouri Compromise bought the nation only a nine-year respite from the bitter, divisive contest over slavery before the bell would toll again.

After the stormy sessions of the Sixteenth Congress, the senators welcomed the quiet, routine sessions of the Seventeenth Congress. The years 1821 and 1822 were far from dull, but political maneuvering was more evident outside the chamber in the corridors of the Capitol and in private homes, where plots were laid over dinners and brandy.

With the final disappearance of the Federalists in 1820, when they failed to nominate a presidential candidate, many idealists thought they saw the end of the whole party system and the coming of a Utopia where leaders would be chosen purely on the basis of merit. Monroe happily predicted, "Surely our government may get on and prosper without the existence of parties." Thomas Jefferson, however, did not share his fellow Virginian's optimism. "You are told, indeed," he wrote to Albert Gallatin, then in France, "that there are no longer parties among us; that they are all now amalgamated; the lion and the lamb lie down together in peace. Do not believe a word of it." [25]

Events proved Jefferson correct. The collapse of the Federalists was the prelude to the breaking up of the Republican party into many factions that once had been tenuously united by opposition to a common foe. Monroe had barely been inaugurated a second time before each of these factions began to groom one of its own as his successor. By the time the Seventeenth Congress met in December 1821, each of the three leading cabinet members, Secretary of State John Quincy Adams, Secretary of the Treasury William Crawford, and Secretary of War John C. Calhoun, as well as Henry Clay, temporarily retired from the Congress, had a group of ardent supporters working on his behalf. These four men, with Andrew Jackson as a possible darkhorse, were open candidates three years before the next election! So much for the Era of Good Feelings!

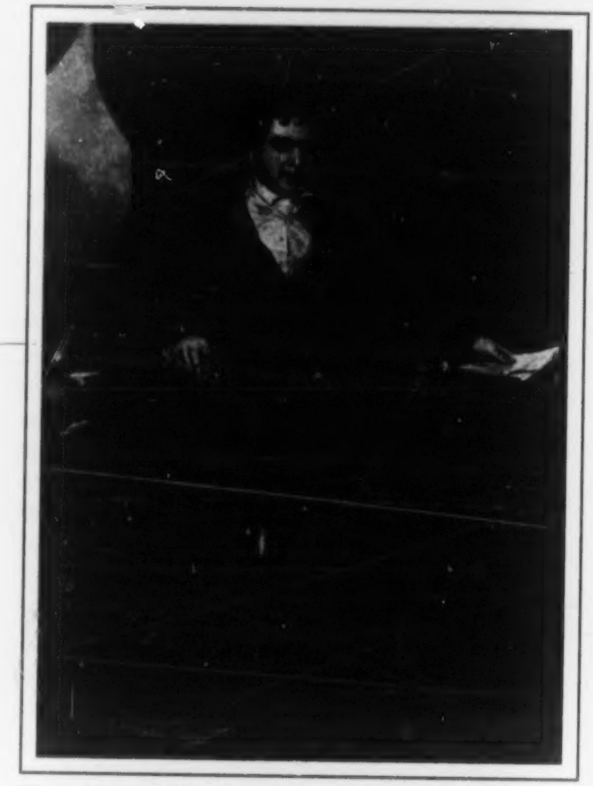
The second session of the Seventeenth Congress was overshadowed by the pre-presidential cabals. The Crawford faction seemed to have an edge, but its hopes dimmed in the summer of 1823 when the nerve-wracking campaign took its toll. Crawford, tall, handsome, and only fifty-one years old, suffered a paralyzing stroke which left him nearly blind and only in partial possession of his mental faculties. Monroe kept Crawford on as secretary of the treasury for the next year, but all treasury documents bore a facsimile stamp of his signature, which his daughter helped him press to the papers. Meanwhile, Crawford's partisans minimized the seriousness of his condition and zealously continued their campaign to make him president.[26]

Earlier, in the spring of 1822, death carried off one of the Senate's most prominent orators and dandies, William Pinkney of Maryland, only fifty-eight. His last speech on the floor had been his masterful reply to Rufus King on the Missouri question. Fittingly, a new senator who would soon also win fame as a brilliant orator, Thomas Hart Benton of Missouri, offered a moving eulogy. Pinkney, who had died in Washington away from his home and family, fell, said Benton, "like the warrior, in the plentitude of his strength, and on the field of his fame."[27]

William Pinkney was truly a remarkable man. At the age of thirteen, he was forced to drop out of school when his father's property was confiscated due to the latter's loyalist sentiments. According to legend, young Pinkney favored the colonists' cause and often eluded parental vigilance to mount guard with the Continental soldiers. After the Revolutionary War ended, Pinkney's oratorical skill came to the attention of Justice Samuel Chase who took him in hand and steered Pinkney to a career in law.

Pinkney spent the remainder of his life working to overcome the consequences of his interrupted education. While stationed in London as a United States claims commissioner, he deliberately attended parliamentary and court sessions in an effort to absorb the erudition displayed there. He studied Latin and Greek and developed a lifelong passion for reading dictionaries. The effort was not wasted. His skillful oratory and mental agility aided Pinkney's rapid rise to commissioner, minister to Great Britain, and attorney general in 1811.

Writing under the pseudonym Publius, Pinkney vigorously supported the War of 1812, and, as a major in the Maryland militia, commanded a battalion of riflemen and was seriously wounded in the arm. Following the war, he served briefly in the House before his appointment as minister to Russia. Pinkney returned from Russia in 1818 and entered the Senate in 1819. It was during his years in the Senate that Pinkney achieved his reputation as a major interpreter of the Constitution.



The self-taught William Pinkney was respected as a knowledgeable interpreter of the Constitution.

Library of Congress

While he ably represented the southern interests in the Missouri debates in the Senate chamber on the Capitol's second floor, it was in the Supreme Court chamber below that he performed his greatest work in arguing cases at the bar. He was counsel in seventy-two Supreme Court cases and acquired one of the most lucrative practices of his time. In both the Senate and the Court, Pinkney's years of self-improvement paid off handsomely. After one of his speeches, Justice Joseph Story wrote, "I never, in my whole life heard a greater speech; it was worth a trip from Salem to hear it . . . his eloquence was overwhelming."

During these years in the Senate and before the Court, Pinkney's affected, extravagant rhetoric made him a vivid figure. Ladies crowded into the gallery to hear him speak. Excessively vain, he sought their approval as keenly as that of his colleagues. Though he toiled ceaselessly to polish his style and check his facts, Pinkney liked to create the impression that his wealth of knowledge was little but offhand recollections. But woe to those who challenged him. Pinkney was insolent and arrogant and only narrowly escaped a duel with a lawyer he had openly insulted in court. For frequent discourtesies to Daniel Webster, the latter boasted of extorting an apology under threat of a beating.

Pinkney was as vain about his appearance as about his eloquence. He had square shoulders, an erect carriage, and intense blue eyes, but most conspicuous were the deep furrows in his face and the heavy circles under his eyes which he sought to conceal with cosmetics. He wore corsets to diminish his bulk.

Pinkney's demise on February 25, 1822, was almost turned into a burlesque by the eccentric John Randolph, a representative and, later, senator from Virginia. Two years earlier, Randolph had made himself indecorously conspicuous at the funeral of Commodore Stephen Decatur, killed in a duel in Washington, by causing his horse to prance about the grave. By prematurely announcing Pinkney's death, Randolph led the House to declare a day of mourning for the senator while he was still alive.

Volumes of eulogy attested to Pinkney's fame, once he was actually dead. Chief Justice John Marshall proclaimed him "the greatest man I ever saw in a Court of Justice." Thirty years after Pinkney's death, Chief Justice Roger Taney could still say, "I have heard almost all the great advocates of the United States, both of the past and present generation, but I have seen none equal to Pinkney." [28]

Being a senator in the early 1800's was hazardous duty. This eight-year period under investigation, the Fifteenth through the Eighteenth congresses, witnessed the deaths of six other senators besides Pinkney. Two were still in their thirties. Pinkney's predecessor, the aggressive Federalist editor Alexander Hanson of Maryland, was only thirty-three when he died on April 23, 1819, after two years in the Senate. Ill health prevented Hanson from taking an active part in the Senate's business. During the War of 1812, he had been badly beaten by a Baltimore mob, who were enraged at the anti-administration, pro-English stand of his newspaper, the *Federal Republican.* William Trimble of Ohio, who had distinguished himself for gallantry during the War of 1812, was only thirty-five when he died in 1821 after two years in the Senate.[29]

Like Trimble, James Burrill of Rhode Island died in Washington, far away from home and loved ones. Burrill, forty-eight, was given a memorable funeral in the old Senate chamber down the hall. Nicholas Ware of Georgia had been in the Senate for three years when he died in 1824 at age fifty-five. Elijah Boardman of Connecticut had enlisted in the Revolutionary army at age seventeen. He died in 1823, at age sixty-three, during his second year in the Senate, while on a visit to Boardman, Ohio, a town he had founded.[30]

The oldest and most prominent senator who died in office during this period was John Taylor of Virginia, who was seventy years old when he passed away during the recess in the summer of 1824. He, like Senator Boardman, was one of the last of the handful of Revolutionary soldiers (having fought under Lafayette) still serving in the Senate. Taylor had just been returned to the Senate for the third time by the Virginia legislature after a long absence. His first term in the Senate had begun in 1792 during George Washington's first administration, when he filled the post vacated by the illness of Richard Henry Lee. An early supporter of Jeffersonian Republicanism, through his writings Taylor became one of the foremost philosophers of agrarian liberalism.[31]

The opening of the Eighteenth Congress was a memorable one. On its second day, December 2, 1823, the senators and representatives received the most important presidential message in many years, in which President Monroe spelled out the farsighted principles of the Monroe Doctrine. The doctrine, largely the work of Secretary of State John Quincy Adams, was specifically aimed at Russia's expansionist designs on the Pacific Northwest and at threats by the Holy Alliance to appropriate Spanish possessions in Latin America. But, more generally, Monroe used the doctrine to proclaim to all the world that the American continents were henceforth not to be considered as subjects for future colonization by any European powers, and that European intervention in the Western Hemisphere would be viewed as a "manifestation of an unfriendly disposition towards the United States."[32]

Among the new and able senators in the Eighteenth Congress was Robert Hayne of South Carolina, the magnificent orator destined to cross swords with Webster in one of the most memorable congressional debates of the century. Back in the Senate after long absences were John Taylor of Virginia, who had left in disgust over the Sedition acts, and James Lloyd of Massachusetts.

Also back in the Senate, but difficult to recognize as the backwoodsman of twenty-five years earlier who had sat in the Senate when it still met in Philadelphia, was the "Hero of New Orleans," Andrew Jackson. Let us look more closely at the route that led the lean, unsmiling Jackson to the Senate a second time, and at his early experiences in Washington, for, in many ways, they are typical of the hardships and joys experienced by his colleagues.

Although Jackson had "retired" to his Tennessee estate with his beloved wife, Rachel, after brilliant military maneuvers in New Orleans and Florida, the nation was alive with speculation that he would be the next president of the United States. His friends energetically fanned the fires of popular support while Jackson's enemies—and he had made many—worked equally hard to stamp them out.

The first test of Jackson's strength was whether or not he could unseat Tennessee's senior senator, John Williams, in 1823. Many of the general's supporters urged him not to attempt it, as a failure could be disastrous, but, although Williams had a clear head start, Jackson plunged ahead. When the state legislature convened, on the morning of October 1, 1823, to choose a senator, Jackson's forces made a desperate attempt to obtain a two-day postponement to solidify their position; but the famed frontiersman Davy Crockett, then a member of the state legislature and soon to become a representative, was a lifelong enemy of the general and successfully fought the delay. Crockett's colleagues were confronted with the choice of reneging on their pledges to Williams, a power in eastern Tennessee, or repudiating the gray-haired hero. When the roll call ended, Andrew Jackson had triumphed over John Williams, 35 to 25.[33]

After notification of his victory, Jackson wrote a friend: "I have been elected senator, a circumstance which I regret more than any other in my life. . . . To leave . . . Mrs.

Jackson . . . fills me, as well as her, with much regret." Jackson was undoubtedly sorry to part from Rachel but, as Marquis James notes in his biography *The Life of Andrew Jackson,* Jackson was personally gratified by his victory and not loath to be the focus of the national limelight once again. He was, however, totally unprepared to leave home that November. It was cotton ginning time, a planter's busiest season, when expenses were greatest and debts heaviest. Jackson had to accept a loan from a friend to defray the cost of the journey.[34]

Andrew Jackson, fifty-six years old, set out on the 860-mile journey to Washington on horseback, accompanied by John Eaton, thirty-three, his good friend and Tennessee's other senator. Except for one day, when a mailcoach afforded refuge from the rain, the two senators remained in the saddle all the way to Staunton, Virginia. At Fredericksburg, they boarded a steamboat which arrived in Washington just after dawn on December 3, 1823.

Like most of his colleagues in the Senate, Jackson was reluctant to subject his wife to the rigors of travel to the far-off capital. At each stop along the way to Washington, however, he wrote anxious letters back to Rachel. I would like to read just a few words from these letters of a senator to his wife, because I think they show a tender side of the general, whose statue, in cold bronze, here in the Capitol's rotunda, looks so strong and stern. From Staunton, on November 28, 1823, Jackson wrote home:

> My Love
>
> I have been greeted by the people wherever I have halted. . . . This through Virginia [a Crawford stronghold] I did not calculate on. . . . Were you only with me I could be satisfied—But should providence once more permit us to meet, I am solemnly resolved, with the permission of heaven, never to separate, or be separated from you in this world.

The day he arrived in Washington, Jackson wrote Rachel:

> My Love
>
> I have not heard from you . . . [and] am anxious to receive a letter. . . . I have been treated with marked attention. . . . Altho this is gratifying . . . my heart is with you & fixed on Domestic Life. . . . Without you this will be a Tedious and unpleasant winter. . . . write me often and believe me to be your affectionate husband.[35]

Like most other senators, General Jackson took up lodgings in one of Washington's many boardinghouses. Along with Senator Eaton, he took modest rooms at the house run by Major William O'Neale. It was there that he met the major's pretty daughter, Peggy, who, when she married Senator Eaton, would nearly wreck Jackson's first administration as cabinet members, urged on by their wives, took sides on the question of Peggy's virtue.

Though Jackson claimed he wished to live inconspicuously in Washington, he quickly became the most sought-after man in town. He complained to Rachel, "There is nothing done here but *visiting* and *carding.*" Eaton had to help Jackson with his voluminous correspondence, even writing to Mrs. Jackson when the general was extremely busy. Shortly after settling into their rooms, Eaton wrote her, "The general is in very fine health, and just as good spirits. . . . He is constantly in motion to some Dinner party or other, and tonight stands engaged at a large Dancing party at General Brown's." [36]

Despite his grumblings, Jackson always liked to have people around him and enjoyed the Washington social whirl. For evening wear, he even ordered a pair of fine black cashmere pantaloons and had his dress coat spruced up with new silk-covered buttons.[37] While he enjoyed the company of friends, Jackson was not oblivious to the fact that his social appearances did no harm to his cause as a candidate.

On the frontier, Andrew Jackson had made his reputation by methods that were uncompromising and direct. Now, as a senator, Old Hickory found himself on a stage which called for more subtle skills of diplomacy and negotiation. In his younger days, Jackson had been involved in numerous duels. He still carried, buried deep in his shoulder, a bullet put there in 1813 at the climax of an argument with two brothers from the state of Missouri, one of whom was now his Senate colleague, Thomas Hart Benton. Benton was an enormous man. He was also vain, arrogant, and pugnacious, but he was an able senator, a spellbinding orator, and the West's most articulate spokesman.

Jackson took his seat on the Senate floor only to notice that the adjoining chair was occupied by his old enemy, Benton. Perceiving the situation, several senators offered to exchange places with either man, but both refused—just as they refused to recognize each other's existence. A few days later, Jackson was named chairman of the Committee on Military Affairs and Benton was named a member of the same committee. One day, as a meeting of the committee broke up, Benton exchanged civilities with the chairman and asked about Mrs. Jackson's health. In the old days, Benton had been a favorite of Rachel Jackson's. Shortly thereafter, the two men found themselves face to face at the executive mansion. Benton bowed and Jackson held out his hand.[38]

From these signs, Speaker Henry Clay, also estranged from the general, concluded that Jackson had "resolved upon a general amnesty" and soon found that conciliation was held out to him, too. These events damaged the widely circulated stories of Jackson's bitter hatreds and frontier etiquette. "It will afford you great pleasure to know," Eaton wrote Mrs. Jackson, "that all his old quarrels have been settled. . . . The General . . . is in harmony and good understanding with everybody." A surprised Daniel Webster wrote his brother: "General Jackson's manners are more presidential than those of any of the candidates. He is grave, mild and reserved. My wife is decidedly for him." Senator Elijah Mills of Massachusetts, who had violently opposed Jackson on the Florida question, considering "him little advanced in civilization over the Indians with whom he made war," confessed to Mrs. Mills that "these opinions [were] unfounded. . . . He is exactly the man with whom *you* would be delighted."[39]

Though busy cultivating his presidential prospects, Jackson did not neglect his Senate duties. No senator was more faithful in his attendance than he. He listened carefully but rarely spoke. In his first six months in the Senate, Jackson took the floor only four times and, altogether, spoke less than twenty minutes: once, to recommend a New Orleans veteran for a pension; twice, to urge construction of military roads; and once, to support a bill to purchase armaments. Though rarely addressing the Senate, Jackson voted on every important piece of legislation, consistently supporting internal improvement bills, until the time of his resignation in October 1825 for financial reasons.[40]

Another senator of the Eighteenth Congress was the wily Martin Van Buren of New York, who had been a freshman senator with Benton in 1821. Van Buren's fortunes would soon become intricately linked with those of the Hero of New Orleans. It would be difficult to imagine greater contrasts between a state's two senators than those between New York's senior senator, Rufus King, and Martin Van Buren. King was then sixty-eight years old; Van Buren was forty-one. King represented the last stand of the Federalist party. Van Buren, a Republican, would preside over the birth of the Democratic party that would propel him into the White House. Van Buren arrived in Washington

Andrew Jackson, the daring hero of the Battle of New Orleans, had ardent partisans and bitter enemies in the Senate. The portrait, by Samuel L. Waldo, was painted a few years after the famous battle.

Historic New Orleans Collection

well in control of his state's party apparatus. By judicious use of the spoils system, he had cunningly built an extremely powerful New York political machine to rival that of his enemy, Governor DeWitt Clinton. Van Buren's political dexterity had earned him the well-deserved nicknames of the Red Fox of Kinderhook (his home town) and the Little Magician.[41]

As the members of the Eighteenth Congress sought to deal with the implications of the Monroe Doctrine and new tariff legislation, the frenetic presidential campaigning was foremost in their thoughts. All of the candidates were aware of a growing anticaucus sentiment in the nation. Instead of the congressional caucus method of selecting a presidential nominee, a larger and larger number of voters urged that the state legislatures, or even the people themselves, be permitted to instruct the electors.

In an effort to head off this popular movement, 66 of the 261 senators and representatives called a caucus on the evening of February 14, 1824, and nominated the enfeebled Crawford and Albert Gallatin as the regular Republican party candidates. The result was obviously useless, since a clear majority of the Congress supported other candidates. Indeed, the farcical caucus caused such an outcry that it was the last one held to nominate a presidential candidate.[42]

With the majority of the Congress and his own ill health against him, Crawford's chances for victory looked slim indeed. Hoping to insure his foe's defeat, Senator Ninian Edwards of Illinois, who had recently been appointed minister to Mexico, just before leaving to take his post, sent a letter to Speaker Clay accusing Crawford of malfeasance in office. Crawford's supporters took up the challenge, and the House sergeant at arms was dispatched to bring Edwards, who was already on his way to Mexico, back to testify. Edwards' pursuer had to travel fifteen hundred miles before he overtook the former senator, but overtake him he did. Once back in Washington, however, Edwards failed miserably to substantiate his charges.[43]

Though the paralyzed secretary of the treasury had the satisfaction of knowing that his reputation remained unblemished, when there was no sign of his recovery, the election tide continued to turn against him. Among his opponents, Adams controlled New England and, more tenuously, New York; Jackson had the support of Pennsylvania and parts of the South; Clay's following outside Kentucky was uncertain; Calhoun, foreseeing failure, withdrew, accepting the vice-presidential position from both Adams and Jackson. The twenty-four states voted at various times during the fall of 1824. In eighteen states, the voters, rather than the legislatures, instructed the electors for which of the four nominees they were to vote.

Soon after the second session of the Eighteenth Congress convened on December 6, 1824, it was clear that no candidate had a majority of votes. Jackson ran first with ninety-nine electoral votes; Adams had eighty-four; the ailing Crawford, forty-two; and Clay, thirty-seven. Instead of withdrawing in favor of Jackson, Adams decided to stay in the contest, and the election was thrown into the House of Representatives, as it had been in 1801.[44]

Henry Clay, if he could not be president, could now be presidentmaker by throwing his influence to either Jackson or Adams. All other business of Congress ground to a halt as bargaining and intrigue reached new heights. At last, Clay announced that he would support Adams. No sooner had he done so, however, than rumors began to fly that Clay had entered into an "unholy bargain" with Adams who, in return for Clay's votes, had allegedly promised to name him secretary of state. While the rumors were never substantiated, Adams, elected president on February 9, 1825, did little to allay them when he actually did name Clay to the post. Jackson's supporters, rightly claiming that their candidate had been the choice of the people, kept the vicious innuendos alive and bided their time for the next four years.

The contested election overshadowed all other issues during the last days of the Eighteenth Congress. Whatever good feelings remained from the happy aura that enveloped the beginning of Monroe's administrations eight years earlier, evaporated entirely in the new spirit of factionalism and acrimony.

The triumphant return to America of General Lafayette, after an absence of forty years, temporarily restored good feelings at the end of 1824. He and his son, George Washington Lafayette, arrived at the government's invitation in August. Thomas Hart Benton described the general's successful journey:

> He was received with unbounded honor, affection, and gratitude by the American people. To the survivors of the Revolution, it was the return of a brother; to the new generation, born since that time, it was the apparition of an historical character, familiar from the cradle; and combining all the titles to love, admiration, gratitude, enthusiasm, which could act upon the heart and the imagination of the young and the ardent. He visited every State in the Union, doubled in number since, as the friend and pupil of Washington, he had spilt his blood, and lavished his fortune, for their independence. His progress through the States was a triumphal procession, such as no Roman ever led up—a procession not through a city, but over a continent—followed, not by captives in chains of iron, but by a nation in the bonds of affection.[45]

The general's tour brought him to Washington in December 1824. On December 9, at one o'clock, an important precedent was set in the Senate. General Lafayette became the first foreign dignitary to be accorded the privileges of the floor. In accordance with a prearranged plan, the general was escorted into the chamber by a special committee and introduced by Senator James Barbour of Virginia, the committee's chairman. The senators arose from their seats and remained standing until the general was seated in a chair to the right of Vice President Daniel Tompkins. Then, the Senate adjourned by unanimous consent so that the senators might individually pay their respects to their honored visitor.[46]

Among those senators who stepped forward to greet Lafayette were four who felt a special bond, having served with him in the Revolutionary War. They were Senators Rufus King of New York, James DeWolf of Rhode Island, Samuel Smith of Maryland, and John Chandler of Maine, the latter two of whom had gone on to attain the rank of general.[47]

A few days later, while Lafayette continued his tour, the Senate took up the question of an appropriate gift from the nation to the general to show the love and gratitude of the American people. The special committee to examine the question, chaired by Senator Hayne, suggested that the sum of $200,000 and a township of land, 24,000 acres, would be a suitable gift.[48] Immediately, objections were raised. Senator Nathaniel Macon of North Carolina reluctantly rose to object, not to the amount but to the principle behind the gift. Macon said he yielded to no one in his love and admiration of Lafayette but considered the general as having been, during the Revolution,

> a son adopted into the family, taken into the household, and placed, in every respect, on the same footing with the other sons of the same family. . . . That General Lafayette made great sacrifices, and spent much of his money in the service of this country, . . . I as firmly believe as I do any other thing under the sun. . . . but this was equally the case with all the sons of the family. Many native Americans spent their all, made great sacrifices, and devoted their lives in the same cause.[49]

When put to a vote, the measure passed the Senate by a tally of 37 to 7 and was sent to the House where it was passed. Before he sailed for France in September, Lafayette was presented with these tangible proofs of the nation's thanks.[50]

Despite the lingering bitterness the election had engendered, the Eighteenth Congress ended on a visionary note. Monroe's last message to the Congress stressed the importance of America's Pacific Coast interests, in danger of being usurped by the British, and recommended the establishment of a fort at the mouth of the Columbia River. Senator Mahlon Dickerson of New Jersey pointed out that Oregon could never conceivably become a state because its representatives, even if traveling twenty miles a day, would need 350 days to get to Washington and back. The territory was separated from the United States, Dickerson told his colleagues, by virtually impassable deserts and mountains. Its occupation was useless and impractical.

Not so, cried Thomas Hart Benton, the West's champion. "I answer, the advantages will be— . . . In securing . . . the fur trade of the Rocky Mountains, the Upper Missouri, and the Columbia . . . preventing the British and Russians from acquiring the control of the Indians on the waters of the Columbia . . . a naval station on the coast of the Pacific [and] . . . communication between the Valley of the Mississippi and the Pacific Ocean. . . . But the greatest of all advantages to be derived from the occupation of this country, is in the exclusion of foreign powers from it." Impractical and useless? Benton cried. Nonsense, he told his colleagues and forecast, "Within a century from this day, a population, greater than that of the present United States, will exist on the West side of the Rocky Mountains."[51]

At such wild talk, the other senators shook their heads. This westerner must be mad. The station at the mouth of the Columbia was disapproved. Time, however, proved the prophetic Benton, rather than the scoffing Dickerson, accurate. Though neither Benton nor any other senator who listened to his forecast in the Senate chamber in 1825 lived to see it, his prediction came true right on schedule. The census of 1820 revealed a nation of 9,638,000 inhabitants. A century later in 1920, as Benton foretold, the population of the western states alone stood at 9,214,000. In the years that followed his defense of the fort on the Columbia, both Benton and the West would become forces to be reckoned with.[52]

CHAPTER 6

The Era of Suspense 1825–1829

October 30, 1981

Mr. President, my most recent statement on the Senate's history concluded with the year 1825. The so-called Era of Good Feelings, along with the second administration of James Monroe, had just ended on a decidedly sour note. Any remaining good will among statesmen had been drained away by the presidential election of 1824, a contest so close that it had to be resolved in the House of Representatives. Today, I would like to examine the Nineteenth and Twentieth congresses, covering the period 1825–1829.

The hard-won Missouri Compromise brought senators and representatives a respite from the nagging problem of slavery in the territories that had plagued the Congress throughout the preceding decade. All, however, was far from tranquil. New crises arose that threatened to dissolve the Union. Unlike the beginning of Monroe's eight years in the presidency, there was no honeymoon between the new president and the Congress. John Quincy Adams' administration got off to an extremely inauspicious start.

Adams was elected president by the House of Representatives on February 9, 1825. In the end, he owed his victory to Alexander Hamilton's brother-in-law, the elderly Federalist, New York Representative Stephen Van Rensselaer, who cast the deciding vote with the crucial New York delegation. The last of the great Hudson River patroons, Van Rensselaer was reportedly undecided between candidates Andrew Jackson, then a senator from Tennessee, and William Crawford, former senator and secretary of the treasury. As he shared a boardinghouse with the persuasive Senator Martin Van Buren of New York and other Crawford partisans, it was assumed that his vote would finally go to Crawford.

On the morning of February 9, Van Rensselaer assured his fellow lodgers over breakfast that nothing could induce him to vote for Adams. But when he arrived at the Capitol, he was set upon by Henry Clay and Daniel Webster, who suggested strongly that a victory for anyone but Adams would have grave consequences for the security of Van Rensselaer's own property. In his autobiography, Van Buren described what happened next:

> He [Van Rensselaer] took his seat fully resolved to vote for Mr. Crawford, but before the box reached him, he dropped his head upon the edge of his desk

> and made a brief appeal to his Maker for his guidance in the matter—a practice he frequently observed on great emergencies—and when he removed his hand from his eyes he saw on the floor directly below him a ticket bearing the name of John Quincy Adams. This occurrence, at a moment of great excitement and anxiety, he was led to regard as an answer to his appeal, and taking up the ticket he put it in the box.[1]

When Daniel Webster and John Randolph announced the results, the latter remarked loudly: "It is impossible to win the game, gentlemen. The cards were packed." Soon, both Webster and Randolph would move from the House to the Senate, and the new president would have no peace from either of them.

To be indirectly elected by the House of Representatives was not the happiest way of becoming president. While Adams, of course, accepted the close decision, in private he confided that the election had not taken place in a "manner satisfactory to pride or to just desire; not by the unequivocal suffrage of a majority of the people; with perhaps two-thirds of the whole people adverse to the actual result." [2]

This shaky beginning did not augur well for the new administration. When Adams soon afterwards named Speaker of the House Clay to be secretary of state, Jackson men, who branded Clay as the Judas of the West, vowed revenge. The charge of "corrupt bargain," though repeatedly denied by Adams and Clay, irreparably hurt both men. It tarnished Adams' administration and haunted Clay all his life, following him into the Senate and crippling his many attempts to win the presidency for himself.

In his relations with Congress, Adams was doomed from the start. Clay was of some help to him in the House, but the president seemed friendless in the Senate. Part of his problem was not of his own making but due to the changing stature of the Senate. For the first time, this body was beginning to challenge the House as the principal legislative forum of the nation.

Owing to the increase in population and the admission of new states, the membership of the House rose to more than two hundred with the 1820 census.[3] The burgeoning of membership forced the House to adopt rules that inhibited opportunities for debate and showmanship; however, in the Senate, by 1821, membership had grown to forty-eight, making it a more lively and rewarding forum for those who wanted to be seen and heard. In addition, the equality of state representation in the Senate and the increasing concern over the importance of divisions between slave and free states, underscored by the Missouri dilemma, heightened the Senate's role as an arena where southerners could block the actions of a hostile House majority. As Webster, on the verge of leaving the House for the Senate chamber, said of it, the Senate was "a body of equals, of men of individual honor and personal character, and of absolute independence." [4]

The Senate soon set out to prove Webster right on his point of absolute independence. Prior to 1823, Senate committees had been named by ballot, but in that year the chamber conferred the authority on its presiding officer; thus, Vice President John C. Calhoun, in the first of what Adams construed as his many acts of treachery, assumed the right to name committees and their chairmen. So brazenly did Calhoun pack the committees with the president's foes, "Jackson men," that, at last, the Senate in disgust voted to strip the vice president of his appointing power and of his supervision over the *Senate Journal*.[5] The action was not due to the fact that the Senate loved Adams more, but that, at the time, it loved Calhoun's highhandedness much less. Though Calhoun's plan backfired, it made clear to all that the supporters of Jackson, some of them in Adams' own cabinet, were conspiring to insure that the president would serve only one term.

Perhaps no vice president of that era presided over the Senate with more dignity, poise, and courtesy than John C. Calhoun, but it is clear that no man ever more successfully tortured two presidential administrations—Adams' and Jackson's—than he did.

As early as 1826, Calhoun wrote a colleague that, if he and his friends did not openly support Adams, they would be denounced as in opposition. "We must pledge support to Mr. Adams' re-election, and recommend all of those principles for which we have ever contended." Yet, almost simultaneously, he was writing of the administration he served that, *"because of the way it came to power* . . . [it] must be defeated at all hazards, regardless of its measures." [6]

That Calhoun was deep in intrigue, many senators suspected. His very presence as presiding officer was proof. Since the days of Aaron Burr, vice presidents had frequently not even come to Washington during the sessions of Congress, much less making themselves outstanding personalities in the Senate chamber. Calhoun piously protested that he could not accept his pay without fulfilling the duties of his office, but his driving ambition was too well known for that explanation to satisfy. This was a man who was sowing the seeds for his own political future.

In the face of an antagonistic vice president, an emergent Senate, and his own uncertain mandate, President Adams sent to Congress in December 1825 an annual message that one historian has characterized as "suicide by manifesto." It was the violent reaction to this first presidential message that hinted at the extent of the president's troubles with the Senate. Though written with the purest of motives, it was interpreted as concealing the most devious of plans. Adams' message stressed the importance of internal improvements, the advocacy of which, as he had said in his inaugural address, was to constitute the main policy of his administration.

He recommended the building of public roads and canals, establishment of a national university, and the building of an astronomical observatory—a "lighthouse of the skies." Even Henry Clay, the champion of internal improvements, shuddered. It was not the idea of improvements, however, that gave Clay pause, but it was in Adams' enumeration of the purposes of the improvements and the powers of Congress that he saw the gravest danger. He "approved of the general principles, but scrupled great part of the details." [7]

Indeed, it was hardly tactful of Adams to warn the senators and representatives against being "palsied by the will of our constituents," when a great many of their constituents already believed their own will had been palsied by Adams' election. Nor was it politic of the president to warn senators and representatives, some of whom had fought in the Revolution, that failure to do as he wished amounted to "treachery to the most sacred of trusts," when many believed that the most sacred of trusts consisted in curbing the powers of the federal government. Nor were many in his audience, particularly the Democrats and Revolutionary patriots, impressed by Adams' argument that the monarchical governments of Europe were far ahead of the United States in internal improvements.[8]

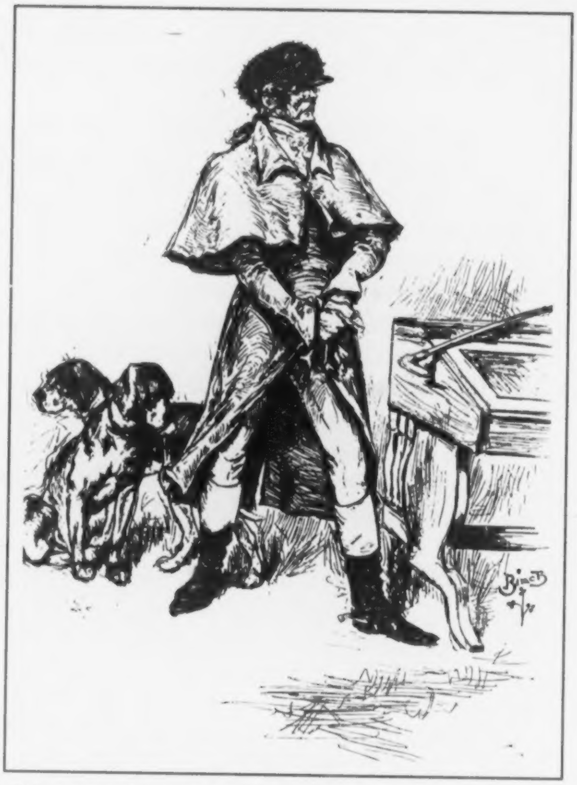
Reaction to Adams' message was swift and dreadful. In the Senate, the most vehement assault upon the principles it set forth came on March 30, 1826. The speaker was John Randolph of Roanoke, and the speech was characteristic of his tirades—wandering, but brutal. Though he spent most of his political career in the House, during his two years in the Senate, Randolph left an indelible mark. Indeed, he was one of the most brilliant, deranged, arrogant, and pathetic men of his age. Like his contemporaries, who were mesmerized and terrorized by Randoph, I am fascinated still by this lean, haughty Virginian who used to stride into the old Senate chamber down the hall, trailed by his yipping hounds, flicking a riding crop against his boot with one hand while grasping a cup of porter in the other.[9]

Randolph was born into a wealthy Virginia planter family in 1773. About to enter public life in his twenties, he added "Roanoke" to his name to distinguish himself from a hated relative. He was described as "a tall, gawky-looking, flaxen haired, stripling . . . with a complexion of a good parchment color, beardless chin, and as much assumed self-consequence as any two footed animal." So youthful did Randolph look that, at twenty-six, when it was time for him to be sworn in for his first term in the House, the Speaker reportedly asked him whether he was old enough to serve. "Ask my constituents," came the sarcastic reply.[10]

After several terms in the House, Randolph moved into the Senate in 1825 to fill a vacancy left when James Barbour became secretary of war. By the time he arrived in the Senate, the insanity that he anticipated and dreaded was gaining on him. He had been, as he liked to say, "dying, sir, dying" for the past fifteen years, but he remained far more alive than his enemies wished. Randolph was still an electrifying speaker and brought to his task a great deal of genius as well as a measure of madness. His hate-filled words were punctuated by the slap of his whip on leather and pauses to sip from the jug held by his young slave. Such arrogant behavior was guaranteed not to win friends among northern senators when it came, as it did, from a man who owned nearly four hundred slaves.

Even if his behavior in the chamber had been less eccentric, Randolph's costumes would have brought him notice. He varied his garb from blue riding coat and buckskin breeches to a "full suit of heavy, drab-colored English broadcloath, the high rolling collar . . . almost concealing his head," and the skirts swinging about the white leather tops of his boots. Sometimes he wore a red hunting shirt or an overcoat which dragged behind him along the carpet. Once, it was reported, he wore six or seven overcoats which he peeled off, one by one, upon his arrival in the Senate chamber, tossing them in a heap on the floor.[11]

Tall and slim, from a distance, even at fifty-two, Randolph appeared boyish. Some unknown disease of his youth had left him impotent, beardless, and with a voice like a shrill flute. On closer inspection, his parch-



John Randolph of Virginia often strode into the Senate chamber followed by his hounds.

U.S. Senate Curator's Office

ment face was creased with a thousand fine wrinkles. At times, he resembled an ancient mummy animated by some demon. Drink, drugs, and disease had had their way with him. A friend described him as "more like a disembodied spirit than a man adequately clothed in flesh and blood." In the midst of his most demonic harangues, however, there would shine forth some passage of such terrible invective, some paragraph of such exquisite construction, or some phrase so brilliantly apt, that his colleagues were reminded that, though on the brink of madness, he had not lost total control. It was for these glimpses of brilliance that visitors flocked to the galleries to hear him, and senators, apprehensive lest his bitter arrows be aimed at them, remained in their seats.[12]

That Randolph was intoxicated by his own rhetoric is beyond doubt. On occasion, he would begin one of his outbursts at four in the afternoon and continue unabated until ten, the chamber gradually emptying as hunger drew off his colleagues. Vice President Calhoun alone would retain his seat, seldom even changing his position, as Randolph leaped from subject to subject. In thirty minutes, he might discuss the superiority of the Church of England compared to the Episcopal Church of America, the "revolting racial issues" in *Othello,* the military mistakes of William the Conqueror, and the "adulterous intercourse between the Dowager Princess of Wales and the Earl of Bute." Then, he might veer off course to launch a missile of evil words at a colleague. Even fellow southerner Calhoun was not immune. In one of his outbursts, Randolph addressed him as "Mr. Vice-President, and would-be Mr. President of the United States, which God in his infinite mercy prevent." Calhoun remained utterly impassive, as one newspaper noted, "without once noticing the indecorum to himself or others." [13] Randolph was a tormented man whom neither his friends nor his enemies understood—so clever, so cruel, so bewildered. He lived his whole life in the flickering light of what he conceived to be the truth. And it was Randolph's perception of the truth that led to his vicious attack on Adams in the Senate.[14]

For Randolph, truth was the Old Republicanism of his youth. But his was the Old Republicanism filtered through clouded eyes. He passionately claimed allegiance to the Jeffersonian tenets of states' rights, human liberty, and resistance to centralized power. Naturally, Adams' first annual message struck him as a mass of dangerous and threatening proposals. But Randolph was also motivated to speak out on the Senate floor by his hatred of the president, which exceeded even his distaste for the president's father whom he had battled in his youth. "The cub," he said, "is a greater bear than the old one." [15] Randolph also despised Henry Clay, whom he regarded with loathing as an ex-Virginian, a slaveholding Kentuckian who had become a renegade from the one true way of life by engineering the Missouri Compromise and giving rise to the so-called "American System." Randolph had never forgiven Clay for eclipsing his charismatic dominance over the House. He had been plotting his revenge on both Adams and Clay, and, in March 1826, he seized the moment to strike.

The specific issue between the president and the Senate which presented Randolph with the opportunity to vent his spleen was United States participation in the Panama Congress of South American states, called with the idea of forming a loose confederacy for military and commercial purposes. Clay had secured an invitation to the Panama Congress for the United States, and Adams had unwisely accepted without consulting the Senate. Members of the Senate were furious. Van Buren opened the battle by offering resolutions designed to annoy Adams by requesting the president to tell the senators whether or not he had truly sent them all the papers involved in the matter.[16] Van Buren had judged Adams well. The resolution goaded Adams into a tactless reply in which he questioned the honesty of the senators, angering them further.[17]

Following Van Buren, Senator John Branch of North Carolina attacked the president's assertion that he had the right to appoint ministers independently of the Senate. In his speech, Branch launched the first direct assault on Adams:

> . . . he came into office in opposition to three-fourths of the American People, in opposition to seventeen or eighteen states out of the twenty-four. He came in by the prostration of our dearest principles. He came in by the total disregard of the right of instruction, the basis of a Republic. He came in, sir, in opposition, not only to the sovereign will of the People, but he overcame the most formidable of all difficulties: He came in in opposition to the will of the Representatives too.[18]

It was now Randolph's turn. On March 30, he began a speech that goes on for eight tightly packed pages in the *Register of Debates*. At first, he rambled from topic to topic—the administration's internal improvements program was an attempt to buy Congress with its own money. Now that Judas had received his thirty pieces of silver, let him buy a potter's field with them in which to inter the Constitution. Old President Adams was the Apostle of Monarchy. But after an hour of general invective, Randolph began to home in on his victims, Adams and Clay.

As the other senators listened in horror, Randolph rose to new heights of maliciousness and openly compared the union between Adams and Clay to that of Bliful and Black George. Anyone familiar with Henry Fielding's novel *Tom Jones*—and most of Randolph's contemporaries certainly were—knows how disgusting are the characters of Bliful, the canting hypocrite, and Black George, the blackguardly gamekeeper. The senators were stunned. Perhaps Randolph had not meant so vile a slander and would recant. But, no. Toward the end of the harangue, he not only uttered the same insult but also embroidered upon it. Claiming that he had been trying to save the last shreds of Jefferson's dream, Randolph shouted:

> I was defeated, horse, foot and dragoons—cut up—and clean broke down—by the coalition of Bliful and Black George—by the combination, unheard of till then, of the puritan and the black-leg.[19]

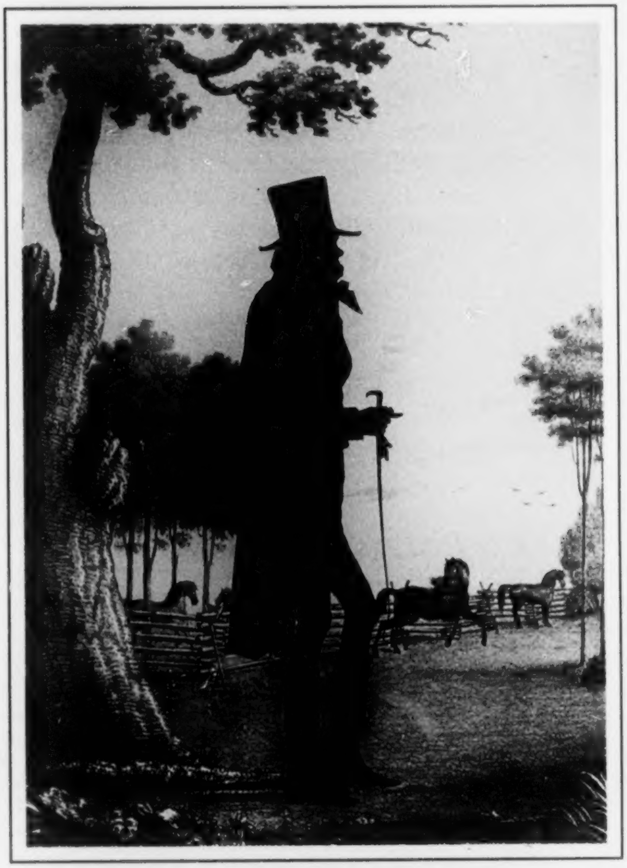
President Adams was outraged at Randolph. He was even more angry with his own vice president, Calhoun, who impassively presided over the Senate during Randolph's outburst, oblivious to the many appeals to call Randolph to order. Not only had Calhoun declined to call Randolph to order, but he had also exhibited "the most perfect indifference to whatever was said." As he had on previous occasions, Calhoun masked his enjoyment at the Virginian's attack on the administration and gravely insisted that, since he was not a member of the Senate but merely its presiding officer, he had no wish to usurp its power and interfere with debate. Two years later, in 1828, the Senate would adopt the forerunner of our Rule 19 governing the propriety of members' remarks. Under this rule, the presiding officer, or a member, could call to order any other member casting aspersions against another senator, a member of the House, or a state. However, the right to criticize the executive was carefully maintained.[20]

On May 1, 1826, the pro-Adams *National Journal* carried an article bitterly attacking the vice president for not exercising a power clearly his, and charging Calhoun had not done so because he was "the residuary legatee of General Jackson's pretensions to the Presidency." Signed "Patrick Henry," the style suggested that its author was the president himself. On May 20, the rival *National Intelligencer* carried a response signed "Onslow," presumably after the eighteenth-century speaker of the British House of Commons, Albert Onslow, who set a high standard of impartiality. The trenchant style clearly identified it as the work of Calhoun. For the next six months, the public was treated to the spectacle of the president and his vice president slugging it out in the pages of the Washington newspapers.[21]

Randolph's insults were too much for Clay to bear in silence. He challenged Randolph to a duel, and Randolph, waiving his constitutional privilege not to be "questioned in any other place" for words uttered in congressional debate, accepted. Neither man was an expert at handling arms, but, nonetheless, the senator and the secretary of state met on the afternoon of April 8, 1826, in a clearing on the Virginia side of the Potomac River just above the Little Falls bridge. If he were to die, Randolph wanted to do so on the soil of his beloved native state. Randolph arrived wearing a dramatic white, flowing, flannel wrapper.

In the first exchange of shots, both men missed. Senator Thomas Hart Benton of Missouri, himself no stranger to the dueling ground, had come as a spectator and conciliator and rushed from the woods to demand that the duel should cease. Clay brushed him aside. Randolph agreed to shoot again but whispered to Benton that he did not intend to return Clay's fire. He calmly stood still while Clay fired a bullet that went through the hem of the white flannel overcoat without hurting him. Randolph then fired into the air, tossed his pistol aside, held out his hand to Clay and said, "You owe me a coat, Mr. Clay." Said a much relieved Clay, "I am glad that the debt is no greater." [22]

Randolph's stay in the Senate was brief. The Virginia state legislature refused to return him in 1827, putting John Tyler in his place. His own district, however, immediately sent Randolph to the House where he continued his anti-administration maneuvers. After a brief and disastrous stint as minister to Russia during the Jackson administration, Randolph broke down entirely in 1831. Struggling with total insanity, he used opium and drank excessively. He died in Philadelphia in 1833, while awaiting a ship to England. He was buried at his estate, Roanoke, as he had ordered, facing west in order to keep his eye on Henry Clay.



Brilliant but tormented, the flamboyant John Randolph served in both the House and Senate.
U.S. Senate Curator's Office

In the turmoil that followed Randolph's March 30, 1826, speech, Adams' Panama mission took a back seat. While the Senate debated the executive's power to appoint ministers, the House came out in support of the mission. Ironically, though the Senate yielded, nothing ever came of the enterprise. Owing to the delay, the Panama Congress, after a poorly attended session, adjourned before the representatives of the United States could arrive.[23]

Though only a few spoke as openly or as harshly as John Randolph, many senators in the Nineteeth Congress opposed the president and his policies. The irony was that the president, the senators, and the representatives were, in 1825, all nominally members of the same party. Though the unity this single party designation implies was chimerical, they were all ostensibly National Republicans.

When Adams took the oath of office that year, he had pleaded for complete and final political harmony. Few of those listening, however, really believed that the party system could or should be eliminated. Indeed, by the time Randolph spoke out in the spring of 1826, the bitterness lingering from the presidential election, the rivalries of the defeated candidates and their partisans, sectional interests, conflicting political theories, and economic changes all combined to defeat Adams' pious wish.

Adams viewed it as providential when, in one of the supreme coincidences in American history, former Presidents Thomas Jefferson and John Adams both died on July 4, 1826, the fiftieth anniversary of the Declaration of Independence which each had signed. If these two longtime foes could become reconciled through a warm correspondence in their old age, certainly the next generation could iron out its differences; but, as the president stood beside his father's grave in Quincy, there were clear signs that his administration was in danger of collapsing. As the fall elections approached in 1826, anyone looking at the Senate could have easily perceived two political groupings. On the one hand, there were the National Republicans—the followers of Adams, Clay, and Webster. On the other, the opposition, which would eventually become the Democratic party, gathered under the banner of Jackson, and, tentatively, Calhoun, and included Senators Van Buren, John Eaton of Tennessee, and Benton.

Within these opposing camps, there were some surprising and uneasy alliances. As historian Glyndon Van Deusen notes:

> Federalists, under the leadership of swarthy Daniel Webster, already the servant of the vested interests in Massachusetts, and Jeffersonian Democrats of the Clay stripe found themselves side by side in the National Republican ranks. Many high tariff men looked to Clay for leadership. A strong Western element championed internal improvements at national expense. The party was conservative, by and large, favored a vigorous national government, and sought to establish its predominance by an alliance of East and West.
>
> The Opposition was decidedly heterogeneous. There were Southerners, hating the tariff and fearing that a strong central government would endanger slavery; Northern high tariff men, who distrusted Adams or disliked Clay; states' rights advocates and strict constructionists, moved to wrath by Adams' woefully inept championship of a vast system of internal improvements at national expense; democrats and demagogues who championed the downtrodden, demanded a government free from corruption, and cried out against aristocratical successions. The Opposition had a liberal tint, but the group, as a whole, required careful handling.[24]

Obviously, Randolph was a member of the opposition. The fact that the Virginia legislature did not return him to the Senate did not obscure the fact that the winds of change had begun to blow hard, and much of the South was rapidly shifting to the hard antinational position he and other opposition leaders espoused. These were nebulous times when new coalitions, one of which would emerge as a major national party, were forming on every side. Historian George Dangerfield has suggested that, while the period during Monroe's administrations has been labeled the Era of Good Feelings, Adams' unstable times might well be called the Era of Suspense.[25]

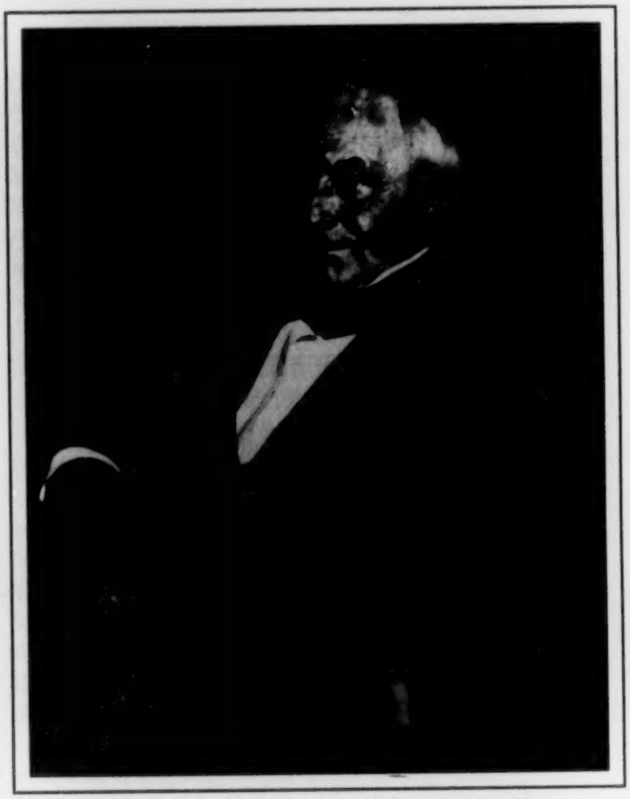
Martin Van Buren was one of the leading figures of this political ferment. Short, plump, beautifully dressed, he was a poised and witty companion. One of the most astute political managers in the country, he was determined to ruin his enemy Adams. Van Buren was a deadly adversary, who assassinated quietly and with a smile. In a delightfully apt phrase, John Randolph said of Van Buren that "he rowed to his object with muffled oars." [26] Calhoun, about to become one of Van Buren's victims, did not realize the treachery until after the deed was done.

Van Buren greeted enemies with a smile, suffered defeat gracefully, and played his cards close to his vest. He relished his reputation as a "wily fox" and gleefully told this story against himself:

> Mr. Knower came to me in the evening and told me that, on his way home from the Capitol, Mr. Wood, one of his wool buyers and a sensible man, said to him—"Mr. Knower! That was a very able speech!" "Yes, very able!" he answered. "Mr. Knower!" again said Mr. Wood, after a considerable pause—"on which side of the Tariff question was it?" [27]

Throughout 1826, Van Buren and other members of the opposition worked feverishly to increase their ranks in Congress in the autumn elections. While the fall results were difficult to decipher, when the Twentieth Congress convened in December 1827, it was clear that the opposition had gained strength. In the House, the proadministration Speaker, John Taylor of New York, was replaced by the hostile Andrew Stevenson of Virginia, who gave all the important chairmanships to Jackson men.

In the Senate, John Tyler of Virginia made his debut with the expectation that he would continue, with more discretion, Randolph's attacks on the administration. Opposition leaders were extremely annoyed when Clay published an old letter from Tyler congratulating him on his vote for Adams. The opposition carried the day, however, when the Senate chose for its printer the ebullient Duff Green, whose Washington-based *United States Telegraph* was violently abusive of Adams. For the first time in their history, both the House and the Senate had majorities hostile to an administration only two years old.



Martin Van Buren of New York, known as the Sly Fox, proved to be a quietly treacherous opponent.
Library of Congress

Nearly every measure that came up in the Twentieth Congress was debated and voted on from the point of view of its likely effect on the 1828 presidential election. National Republicans sought to discredit Jackson, while the opposition sought to destroy

Adams. A resolution was introduced by Jackson men to have one of the large, empty panels in the Rotunda of this building filled with a painting of the Battle of New Orleans. Adams partisans defeated that move. Then the president's friends offered a resolution calling for an inquiry into the court-martial and execution of six Tennessee mutineers by Jackson during the War of 1812. Handbills were scattered across the country bearing six black coffins and this verse:

> Oh! Did you hear the plaintive cry
> Borne on the southern breeze?
> Saw you John Harris earnest pray
> For mercy, on his knees?

The resulting House committee report exonerated the general.[28]

Jackson's supporters then took the offensive, calling for an investigation of how the president spent the government's money. Among the documents presented was a White House inventory listing a sixty-one dollar billiard table and a chess set costing twenty-three dollars. Cried one southern representative, "Is it possible, Mr. Chairman, to believe that it ever was intended by Congress that the public money should be applied to the purchase of gaming tables and gambling furniture? And if it is right to purchase billiard tables and chessmen, why not, also, faro banks, playing cards, race horses, and every other article necessary to complete a system of gambling at the President's palace?" [29] As a matter of fact, the inventory was incorrect. The chessmen had been purchased with private money, and the billiard table had never been bought at all, but this information did not serve the opposition's purposes and was squelched.

The most important item before the preoccupied Twentieth Congress was the tariff question. Quickly dubbed throughout the South the "Tariff of Abominations," it mirrored the political turmoil of the nation. Like all tariffs, the tariff of 1828 was a very complicated affair. Historians still debate the true intentions of the principals involved. What is clear is that, by the time the tariff finally became law, the South was threatening to secede from the Union, John C. Calhoun had been maneuvered out of second place in the coalescing Democratic party, and, even though things had not worked out quite as he planned, Martin Van Buren had taken Calhoun's place.

Both Calhoun and Van Buren would have liked to ignore the tariff question but, by 1827, this was impossible. High-tariff propagandists had met with success in stirring up pro-tariff sentiment among farmers everywhere except in the South and Southwest. Merchants and bankers in the Northeast, particularly Massachusetts, had been converted to the cause as was evident when Daniel Webster, still in the House, drove through a bill that gave woolens manufacturers all the protection they asked for. This woolens bill put both Van Buren and Calhoun in a terrible predicament.

Van Buren had decided that opposition to Adams, represented by Webster in this case, must be founded upon "the most natural and beneficial combination . . . that between the planters of the South and the plain republicans of the North." [30] Unfortunately for him on this issue, planters of the South were opposed to protective tariffs while those plain republican farmers of Van Buren's own New York state favored them. What was Van Buren to do? He solved the problem by not voting at all. Long afterwards, he lamely explained that he was absent from his seat because he had "promised to accompany a friend on a visit to the Congressional Cemetery." [31]

More likely, it was his own political burial that Van Buren feared. Other senators also found it convenient to disappear. When the woolens bill came up for a vote in the final days of the Nineteenth Congress, on February 28, 1827, the result was a 20 to 20 tie.[32] So the issue was placed squarely in the lap of Vice President Calhoun. At one point, Calhoun had been a mild advocate of protectionist tariffs, going along with Clay and other nationalists because of the plausible arguments that South Carolina and other southern states might become industrialized. But few plants had been built in the South, and now, tariffs and internal improvements, most of which linked the North and West, encouraging growth in those sections rather than in the South, worked to the disadvantage of the southern states.

Calhoun was definitely caught in an impossible situation—what we would call today a Catch–22 situation. A tie-breaking vote in either direction was bound to hurt him as a national figure. His position in Jackson's emerging Democratic party was still insecure, especially since he had aroused the jealousy of Van Buren. Certainly, the vice president must have wished he could have gone sightseeing that day, too, but Calhoun had to make a decision. He could not vote *maybe*. He voted to kill the woolens bill.[33]

Now the maneuvering began in earnest: Jackson men plotting against the president; Van Buren plotting against Calhoun. The defeat of the woolens bill roused a northern demand for a tariff that would protect all sorts of different products; and such a bill was produced in the Twentieth Congress—a Congress filled with a new influx of Andrew Jackson supporters. In the Senate, where Jackson was stronger than ever, Van Buren, Benton, and Eaton of Tennessee were among those who watched out for the general's interests and saw in the tariff a way to embarrass President Adams.

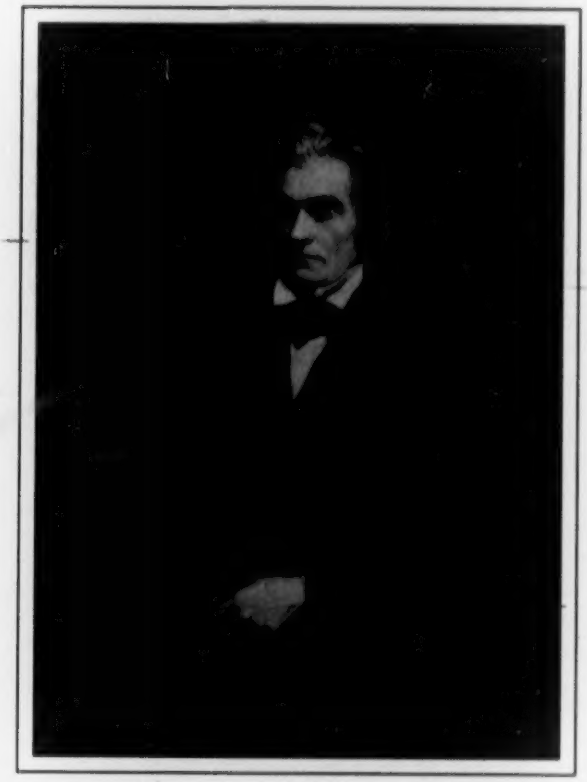
Van Buren, however, was playing two games: trying to win support for Jackson and discredit Calhoun at the same time. First, he traveled to the South, in an effort to bring the Crawford radicals into Jackson's fold. He did this by promising Crawford, who was slowly dying, that he would do everything in his power to ruin Calhoun, Crawford's great bugbear. Such a maneuver would be tricky. Calhoun was still a Jackson man, and Van Buren was far too shrewd to break openly with him at this point. But Van Buren also knew that he could never rise in the new Democratic party if Calhoun were to remain Jackson's heir apparent. In the tariff, Van Buren saw a way to force Calhoun to cause his own fall from grace.[34]

The first draft of the new tariff bill of 1828 was hammered out in the House Committee on Manufactures in December 1827. The smiling and cordial Van Buren was repeatedly seen "lurking" outside the committee room. He was in the habit, observed the *Massachusetts Journal,* "of calling out the Jackson members of the committee daily, and many times a day, to hold talks with them; and it is presumed that nothing important was done or has been reported without his knowledge and consent." The pro-Adams *National Journal* confirmed the report and sarcastically added, "We believe that every thing has been arranged under the superintendence of Mr. Van Buren, who, from managing the Albany legislature, has kindly taken upon himself the management of congress, so far as relates to the tariff." Duff Green, editor of the friendly *United States Telegraph* and the official printer to the Senate, attempted to refute these claims, assuring his readers that the senator from New York "did once . . . call at the committee room, and that was done upon the request of his friend, Mr. McLane of Delaware." Green's protest notwithstanding, Van Buren was responsible for the tariff bill as eventually reported.[35]

The bill first went to the Senate Committee on Manufactures and, on May 5, was reported out. Historians disagree over just what the strategy of the Jacksonians was at this point. Many argue that they decided to play a devious and dangerous game. By joining with the Adams protectionists and loading the bill with so many outrageously high duties, they were sure Congress would kill the bill and they could then blame the Adams forces for its defeat. The intrigue bore all the marks of the work of Van Buren and his partner in the House, New York Representative Silas Wright. As the plotters would soon find out, it was one thing to devise a strategy for defeating the tariff and another to actually carry it off.[36]

Throughout the spring of 1828, debate on the tariff filled the House and Senate. Much of it was uninspired. Representative John Taylor complained that "day after day passes without any sensible advance in the public business. One dull prosing speech after another & arguments for the fiftieth time repeated are hashed up & dished in new covers." [37] And one can picture the House as it looked to Taylor with, as historian Arthur Schlesinger, Jr., described it, members "lolling back in armchairs, laughing, coughing, spitting, rattling newspapers, while some poor speaker tried to talk above the din." [38]

Through the din, Jacksonians obediently set about antagonizing the northern manufacturers with a variety of bedeviling amendments increasing duties on pig iron, flax, hemp, and so forth. Everyone supposed that the New England senators would join with the southern anti-protectionists to kill the measure. Daniel Webster, who had moved from the House to the Senate in the autumn elections, emerged, to the consternation of many, as one of the leaders of the pro-tariff forces. On May 9, he offered an extraordinary spectacle. He stood in front of his colleagues to explain why he was about to repudiate all the free-trade arguments he had made in the House in 1824. He was not eloquent, not the "great cannon loaded to the lips," but he was very honest. He offered no moral or intellectual justifications for the switch.



As vice president, John C. Calhoun presided over the Senate's tariff debates of the late 1820's.

Architect of the Capitol

He changed his mind, he said, simply because New England, his constituency, had accepted the protective system as the established policy of the government and, after 1824, had built up her manufacturing enterprises on that basis. This candid avowal of allegiance to a section was one the public would not forget and Webster would later regret.[39]

Vice President Calhoun presided over the tariff debates with an easy mind. He thought he knew just what Van Buren's plot was, and he approved. Suddenly, he realized that things were going very much awry. Years later, the betrayal still rankled and he recalled:

> Relying on the assurance on which our friends acted in the House, we anticipated with confidence and joy that the bill would be defeated and the whole system overthrown by the shock. Our hopes were soon blasted. A certain individual, then a Senator, but recently elected to the highest office in the Union, was observed to assume a mysterious air in relation to the bill, very little in accordance with what, there was every reason to believe, would have been his course.[40]

That things went awry is clear, but historians still debate whether or not Van Buren, that "certain individual," was actually in control of the shift or whether he was taken by surprise and swept along with the tide just as Calhoun was. What did happen is that Jacksonian senators, while offering amendments in jest to sink the bill, seemed to be seized with the realization that it might just pass, and then their own constituents might not be protected. So, we have the spectacle of Thomas Hart Benton mockingly asking for a duty on indigo but very seriously requesting a duty on furs and a duty on lead for Missourians. Suddenly, Senator Mahlon Dickerson of New Jersey, who had discovered that a solitary vermicelli factory did business in his state, wanted a 50-percent duty on imported vermicelli. The jest had turned serious. Van Buren could no longer control the forces he had set loose.

Though the bill was a bad one for all concerned, many felt it was better than no bill at all. To the astonishment of Jackson's supporters, the tariff bill passed the House and Senate and became law on May 19, 1828. Senator Littleton Tazewell of Virginia was among those who felt tricked. He cornered Van Buren and said, "Sir, you have deceived me once; that was your fault: but if you deceive me again the fault will be mine." [41]

The Tariff of Abominations was denounced on both sides. Protectionist journals like *Niles' Register* repudiated it as did anti-protectionist organs such as the *Richmond Enquirer.* The legislatures of South Carolina, Georgia, Mississippi, and Virginia condemned it. In Washington, the South Carolina delegation met at the home of Senator Robert Hayne to consider withdrawal from the Congress. After violent argument, it was decided to do nothing extreme until after the upcoming presidential election. Calhoun, now fully identified with southern interests, was not present at these meetings but influenced them. He counseled restraint. He could not, however, restrain himself from writing an anonymous and widely circulated essay expounding the doctrine of the right of a state to nullify what it considered an unconstitutional law. The groundwork for the nullification crisis, which would haunt the Twenty-first Congress, was laid.

In addition to the major issues of the day such as the tariff, the Senate also considered a wide variety of other more routine matters during these four years. A glance at the index to the *Register of Debates* reveals a fascinating array of resolutions introduced but not passed—burning issues that quickly lost their fire, familiar-sounding debates, information about incidents in this building, and the revision of the Senate rules that continue to guide us today. These events and issues help to give us a sense of the day-to-day life in the early nineteenth-century Senate.

No sooner had the Nineteenth Congress convened in December 1825 than Thomas Hart Benton presented a resolution "to inquire into the expediency of amending the Constitution of the United States, so as to provide for the election of the President and Vice President by a direct vote of the People." [42] Senator Robert Hayne applauded Benton and went even further, suggesting that the election of the president be removed from the intervention of the House. Senators Nathaniel Macon of North Carolina and Mahlon Dickerson of New Jersey joined Benton and Hayne in pushing these presidential election measures.

The motives behind these resolutions were quite transparent, following, as they did, so closely after the 1824 elections. Their promoters were all ardent Jackson men; their opponents, like Senator John Holmes of Maine, Adams partisans. It is doubtful that the opposition expected these resolutions to bear fruit, and, in this, they were realistic; however, they wanted to make it clear that they felt that Jackson had been robbed of his victory, winning the popular vote only to have the House hand the presidency to Adams. What is most interesting about these debates, however, is not that nothing came of them but how current they sound today. Benton had encouraging words of support for those who continue to seek constructive constitutional change. He said, "No great reform is carried suddenly. It requires years of persevering exertion to produce the unanimity of opinion which is necessary to a great popular reformation; but because it is difficult, it is not impossible." [43]

Another unsuccessful resolution, introduced by Senator Thomas Cobb of Georgia, was even more pointed. Cobb suggested an amendment to the Constitution which would prohibit the appointment of any senators or representatives "to any office of honor, trust, or profit, under the authority of the United States," during the period for which they were elected.[44] Its intent, said Benton, was to cut off the possibility for a member to receive an appointment from a "President to whom he might have lent a subservient vote." [45] Benton had a specific member in mind. Henry Clay, the alleged co-conspirator in the "corrupt bargain," had resigned from the House to become Adams' secretary of state.

Just in case the point of both of these resolutions was lost on the proadministration senators, the opposition introduced a third resolution on December 19 to prohibit any president from serving more than two terms. Though they expected to defeat Adams in 1828, the opposition obviously did not want to take the chance that the presidency would be "stolen" a third time.[46]

In 1828, the Senate recodified its rules last set down in 1820. Among the significant changes was the dividing of the Committee on Commerce and Manufactures into panels for each of its named subjects, and the creation of committees on agriculture and private land claims.[47]

As the eye runs down the index to the Senate debates for this period, the issues stand out that set the followers of Jackson apart from those of Adams, issues that would increase in importance as the years went by. Debates on bankruptcy, a theme dear to the hearts of anti-big-money Jacksonians; public lands, the pet of Benton and the westerne[illegible] and internal improvements like the Baltimore and Ohio Railroad and the Cumberland Road, extolled by adherents to Clay's American System, fill the pages of these dusty volumes.

Just as the eye begins to weary of the columns of fine, faded print, an item will leap off the page and demand investigation. Such an entry appears in the O section of the index in 1828: "Outrages in the Capitol, two resolutions laid on the table in relation to the assault made by Russell Jarvis on the president's personal secretary, and that of Duff Green on Edward Vernon Sparhawk, one of the reporters." [48] Now, I know senators sometimes have their differences with the press but they seldom come to actual blows! Who were these men, Messrs. Green, Sparhawk, Jarvis, and the president's secretary, and what provoked the "outrages"?

Let us begin with the case of Jarvis, a journalist, and the president's private secretary, who also happened to be his son, John Adams. In April 1828, Mr. Jarvis, responding to a rude remark that young Adams had directed at him several days earlier at the

White House, assaulted Adams as he was walking through the Rotunda of the Capitol from the House to the Senate on official business. The president was outraged and sent a message to both the Senate and the House asking for redress. Unfortunately, his message did not spell out the particulars of the case, so we must rely on Jarvis' own communication to the Senate, which was printed in full in *Niles' Register,* a nationally circulated Baltimore newspaper. Jarvis' letter is marvelous in its detail:

> . . . while he [Adams] was in the rotunda of the capitol, I accosted him and asked if he had given his final answer to my note; for I still hoped that he might be induced to offer some apology or explanation. On saying that his final answer had been given, I was excited by his continued refusal, and by a recollection of the offense, to commit an assault upon his person, which consisted merely in pulling his nose and slapping one side of his face, with my open hand. In doing this I disclaim any intention of inflicting upon him any bodily injury; for I was totally unarmed, and assailed him merely in the manner above described, while he was provided with a stout cane. I also disclaim any intention of way-laying him, for our meeting at the capitol was accidental. More especially do I disclaim any intention of infringing on the rights, or assailing the dignity of the president of the United States, of either house of congress, or of any public functionary, or any intention of obstructing an officer of the general government in the discharge of his official duties.—When I accosted Mr. John Adams in the rotunda, I supposed he had discharged his official duties, and was on his way from the capitol. I was not aware of his being charged with a message to the senate, or of his being on his way to the chamber of that body. I viewed the rotunda as common ground, as a public passage, not particularly within the jurisdiction of either house of congress, and differing in no respect, so far as it related to the rights or dignity of any public functionary, from any public street or highway. I know that an assault upon an individual within the public peace, is a violation of the laws; and I regret that any indignity should have been offered to a party of ladies under my protection, and in a place where they expected, at least, the ordinary forms of civility, whereby I was impelled to an offense against the civil authority, which I hope, that I may be always disposed to maintain, as a sober and peaceful citizen. But, if either house of congress shall consider that I have, unintentionally, or inadvertently, violated its rights or dignity, or those of the executive, by resenting, within the walls of the capitol, a grievous insult to the ladies of my family, and which insult I chose to consider entirely of a private character, I am ready and disposed to offer any atonement that shall be due to such body.[49]

The upshot of the incident was that, while both the president's message and Jarvis' epistle were laid on the table to quietly slip into history, the U.S. Capitol Police force was established.[50]

The case of Duff Green and Edward Sparhawk was equally dramatic and suffered the same fate in the Senate. Green, as I have already noted, was the editor of the pro-Jackson Washington *United States Telegraph,* a rising star in the emerging Democratic party, and the Senate's printer. Sparhawk was apparently a reporter for the *New York American.* On January 25, 1828, the two men came to blows in a room set aside for the Senate Committee on Claims. On January 29, Sparhawk presented the Senate with a memorial, accompanied with affidavits, which

> humbly sheweth, that, having been subjected to insult and violence in the room of the committee on claims of the senate of the United States, from a person called Duff Green, an officer of the Senate . . . ; and having been threatened by said Green with further violence, in case your memorialist should "ever write a line about him"—considering that said violence was not, in any manner provoked by your memorialist, and that it was committed within a room devoted to the use of the senate; Therefore, your memorialist humbly prays that such notice may be taken of this matter as may, in the opinion of your honorable body, comport with its dignity, and extend protection to individuals while within the precincts of the Senate.[51]

The next day, Green begged to present his side of the story, and his is the only side that was printed. According to Green, Sparhawk was the author of an anonymous article which charged that Green had grossly and intentionally misrepresented remarks by John Randolph in an article in the *Telegraph.*

Green, finding out that Sparhawk was the author, "felt as every honorable man . . . would feel in his situation, as the editor of a public journal of extensive circulation." He accosted Sparhawk and demanded to know if he was, indeed, the author of the piece. According to Green's account, written in the third person, "Not receiving a satisfactory answer, he proceeded to assault Mr. Sparhawk, having no intention to offer personal injury to him, his sole object being, not to hurt, but to disgrace him." Green contended he had no intention of dishonoring the Senate, for which he had the profoundest respect, but only to chastise one who had sullied a senator's name. Sparhawk had been, Green concluded, a "profligate instrument of falsifying the reports of the proceedings of the co-ordinate branch of congress," and he had taken it into his own hands to right the situation.[52]

Despite Green's pains on its behalf (and no doubt the pain of Sparhawk!), the Senate did not express its gratitude. Then again, neither did it condemn him. As with the Jarvis-Adams affair, this one was laid on the table and relegated to obscurity.

During the course of this examination of the years 1825 to 1829, I have mentioned the rise of the Democratic party. I would like to end my remarks with a brief look at the origins of that party. To any of my colleagues who would like to pursue this absorbing topic further, I can heartily recommend Robert Remini's useful study of Martin Van Buren and Michael Holt's chapter on "The Democratic Party 1828–1860" in the series *History of U.S. Political Parties.*[53]

We can trace the beginning of the Democratic party back to the early 1820's when, as I noted earlier, the first American party system of Jeffersonian Republicans and Federalists collapsed. In its wake, during the Era of Good Feelings, everyone was ostensibly a National Republican. This inclusiveness, however, diluted the party's ideology. To the dismay of purists like Randolph, the Old Republicanism of states' rights, strict construction, and the small government principles of the Jeffersonians no longer prevailed. They were pushed aside by nationalistic programs advocated by younger men like Clay. These tensions were exacerbated by two events. The depression that followed the panic of 1819 ignited working-class and agrarian hostility to paper money as well as to the private banking system that seemed to favor the few at the expense of the many, causing economic fluctuations catastrophic to the little man. Secondly, the angry attacks on slavery during the Missouri debates had opened up an ominous division between the North and South.

Many Old Republicans blamed the potential sectional realignment on the fact that there was only one party, the discipline and adherence to principle of which had collapsed because of lack of competition. They were certain that new men like Clay and Calhoun had corrupted the Republican party with nationalism and jettisoned the pure principles of strict construction, laissez faire, and states' rights.

The Old Republicans wanted to reconstruct their national party, restore it to its first principles, and drive all those nationalistic backers of the American System from their midst. They saw their chance in the aftermath of the 1824 election—stolen, in their opinion, by the evil forces of John Quincy Adams from their own virtuous candidate, Andrew Jackson. It was clear that the election in 1828 would probably come down to these two candidates once again, and this time the opposition would be ready.[54]

The opposition was led by Senator Van Buren, and, before he left the Senate in 1828 to return to New York to rally his "Bucktails" and become governor of the state, he delivered one last important speech on the

Senate floor on February 12. His remarks on that particular occasion reinforced his commitment to Jeffersonian concepts. What Van Buren presents to us in that speech is the creed of the Jacksonians, soon to be called Democrats. The dogma of states' rights was the central theme. The essential conflict between Hamilton and Jefferson, at the time of the Republic's founding, was the identical struggle going on in 1828 between the friends of Jackson and those of Adams. The members of the Democratic party—the true descendants of the patriots of 1776, in Van Buren's view—were mindful of the causes and the history of this longstanding philosophical dispute. They were, therefore, averse to a national government that sought to enlarge its area of activity beyond the fixed boundaries set by the Constitution. Only through the continued existence of powerful states, he averred, could the liberties of the people be protected. Here, in a nutshell, were the principles behind the Democratic party.[55]

Riding and channeling the wave of resentment against the president and the enthusiasm for the Hero of New Orleans, supremely talented Jacksonian managers, such as Van Buren and Senator Eaton, organized the Democratic party from the top down. Michael Holt explains their technique:

> Central committees were established in Nashville by Jackson's friends and in Washington by Van Buren, Calhoun, and other Jackson cronies. These committees, and Jackson himself, corresponded voluminously with state politicians urging them to build state organizations which in turn established Jackson clubs or committees in each county and most localities. Once completed, the Democratic organization consisted of a multitude of conventions and committees built in pyramid fashion from the locality to the county to the state to the central national committees. The national committee and Jacksonian congressmen disseminated propaganda to the local committees to keep Old Hickory in the public eye. A politician of superb instincts, Jackson himself directed much of this propaganda, making sure that the public remembered he was the victim of a cynical and corrupt bargain. The politicians in Washington also raised money to support an extensive chain of newspapers they had established across the country, and these sheets brought the Jacksonian gospel to the people.[56]

The campaign of 1828 was one of personalities. Such campaigns are bound to degenerate into abuse, but the name-calling of the 1828 campaign has rarely been equalled. To call Jackson a gambler, a drunkard, and a duelist, and Adams a monarchist, a gourmandizer, and a spendthrift was one thing; but, in 1827, pro-Adams newspapers began to print stories accusing Jackson of having knowingly lived in adultery with Rachel Jackson before she was divorced from her first husband. That one of the happiest and loving of marriages in the United States had been dragged into the campaign was proof of the depth to which the partisans could sink. Slander was infectious.

Duff Green was soon printing in his *United States Telegraph* columns a nonsensical story about premarital relations between President and Mrs. Adams. Green wrote to his hero, Jackson, "Let Mrs. Jackson rejoice, her vindication is complete." How one reputation could be vindicated by the blackening of another apparently did not disturb him.[57]

The feel of a Jackson victory, a Democratic victory, was in the air in the fall of 1828. When it came in the winter, it was a substantial one: 178 electoral votes to 83 for Adams. It was a great triumph for the "common man," particularly in the West and South where Jackson was lionized. Under the vastly liberalized franchise laws, large numbers of Americans voted who had never done so before. The popular vote jumped from 400,000 in 1824 to more than 1.1 million in 1828 (647,276 for Jackson and 508,604 for Adams). In only two of the twenty-four states, Delaware and South Carolina, did the legislature still choose the electors. In the rest, the people now had the power.[58]

The Era of Suspense was over. The political turmoil of the preceding years was temporarily resolved. The forces of discontent had coalesced long enough to bring about a political revolution under the banner of the new Democratic party. The coalition that elected the Hero of New Orleans in 1828 was too broad and heterogeneous to be stable. For example, Jackson's overwhelming popularity in the South and West camouflaged deep differences among his followers, some of which would cause defections once the northerner, Van Buren, became his successor. In 1829, there was a Jackson coalition. At the end of his administration in 1837, there would be a smaller but more homogeneous and unified Democratic party.[59]

None of this, however, mattered to the followers of Jackson in March 1829. On March 4, all of Washington saw the real contemporary meaning of the word *Democrat* as masses of farming, frontier, and working-class families swarmed into the capital to hail Old Hickory, the symbol of a new democracy that had brought the common people of America to political power. John Adams had decided that it would be unbecoming for him to attend the inauguration of a man who, for three years, had accused him of bargain and corruption, and he had quietly ridden out of town the day before. He was hardly missed by the cheering crowds massed everywhere in the city to welcome *their* president. As the delirious multitude flooded the White House, turning over buckets of punch, trampling chairs to sawdust, sober men like Daniel Webster reflected, "People have come five hundred miles to see General Jackson, and they really seem to think that the country had been rescued from some dreadful danger." Indeed, they believed just that. Only time would tell whether or not they were right. What was abundantly clear from the perspective of the Senate chamber, however, was that the Age of Jackson had arrived.

CHAPTER 7

The Senate Comes of Age
1829-1833

March 3, 1982

Mr. President, with the election of Andrew Jackson in 1828, a new era dawned in this nation. Historian Arthur Schlesinger, Jr., has labeled it the Age of Jackson. Others have called it the Age of the People, but, for our purposes, we may well entitle this era the Coming of Age of the Senate. It was during these years, crowded with so many monumentally important issues which saw the incomparable lions of the nineteenth-century Senate—Clay, Webster, Calhoun, and Benton—striding through the chamber, that the Senate became the principal forum and battleground for the questions confronting the nation. As issue after issue came to the fore, all eyes focused on the beautiful old Senate chamber down the hall from where I speak today.

The "Virginia Dynasty" and the customary line of succession from secretary of state to president died on the day that the expanded electorate elevated to the presidency a Tennessee military hero who had never served in the cabinet; never distinguished himself in Congress, though he had been both a representative and a senator; and never appealed to the national aristocracy of intellect and culture. Though Jackson was opposed by two-thirds of the newspapers, four-fifths of the preachers, seven-eighths of the bankers, and nearly all the manufacturers, the people had spoken. He had amassed 56 percent of the popular vote.[1]

The growing importance of the electorate and of political parties had an enormous effect on the Congress, too. The new parties devised parades, slogans, picnics, and all the trappings of political hoopla to vie with one another for popular favor. The bestowing of patronage—franchises, contracts, and jobs—became as important as the advancement of issues, and the winning of elections sometimes became an end in itself. To win elections, parties needed men who wanted to win and who could win. Prime candidates were no longer the landed gentlemen who had dominated the early Senate—men who felt the office should seek them rather than the other way around; instead, many of the new members of Congress who were swept in with Jackson boasted of their close kinship to the people and deliberately pandered to the ignorance and prejudices of their humblest constituents.

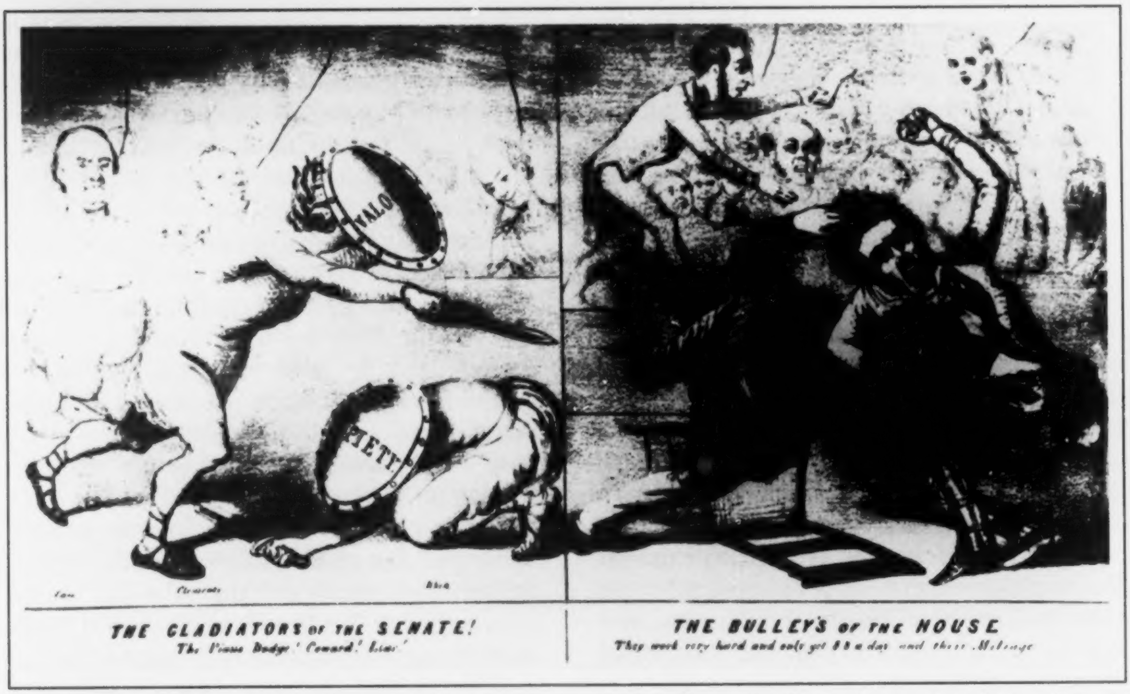
This new trend changed both the House and the Senate and highlighted the differences between the two chambers. It brought mediocrities, nonentities, and even oddities to Congress. Davy Crockett is perhaps the best example in the House. A loudmouthed braggart who boasted that he was "unlarned," Crockett's brief House career was totally undistinguished. When his constituents refused to return him in 1835, Crockett disgustedly told them, "I am going to Texas and you can go to Hell." [2] Crockett did go to Texas and died the next year defending the Alamo.

Senators, of course, were still chosen by their state legislatures. They were, said Missouri Senator Thomas Hart Benton, "the elect of the elect." And they were generally a cut above the representatives in ability and manners. Reversing the trend of earlier years, the more capable and respected representatives now tried at the first opportunity to graduate from the House to the Senate. When the French observer Alexis de Tocqueville visited Washington in 1831, he was much dismayed by the "vulgar demeanor" of the House and correctly noted, "The eye frequently does not discover a man of celebrity within its walls." The Senate, on the other hand, earned his praise as a body "of eloquent advocates, distinguished generals, wise magistrates, and statesmen of note, whose language would at times do honor to the most remarkable parliamentary debates in Europe." [3]

The Senate had been rising in esteem as a showcase for "eloquent advocates" even before Jackson's inauguration. The small, lovely chamber with its domed ceiling had excellent acoustics, ideal for the ringing voices of silver-tongued orators. The senators sat at mahogany desks—many of which are here in this chamber today—arranged in a semicircle. Unless they were standing committee chairmen, our predecessors in 1829 had no clerks, assistants, or offices of their own in which to work in private. It is hard to imagine carrying out all of one's Senate business—studying documents, preparing speeches, answering correspondence—at these small desks or in nearby roominghouses, but that is exactly what men like Webster and Calhoun did. Even these labors had to cease when the galleries and the floor filled up with spectators who pushed and shoved their way in to hear a major debate or a favorite senator declaim. Squeezed all along the walls and standing even among the senators' desks, these visitors heightened the drama in the little chamber.

In the changing Senate, however, it required more than grand oratory to ensure legislative success. A new and equally powerful senatorial type was emerging with gifts rivaling those of the great speakers. Leadership was moving behind the scenes, retreating to the quietness of the Capitol's hallways. The greatest orators of the day, Daniel Webster of Massachusetts and Henry Clay of Kentucky, were, we must remind ourselves, sometimes on the losing side. They were highly vulnerable to the tireless labors on the floor and in the cloakrooms of the new-style men like Senators Felix Grundy of Tennessee and Silas Wright of New York.

The new style was intimate; it was one of low-pitched voices and subtle reminders of debts owed and claimed. It left many of the older men baffled; defeated President John Quincy Adams, almost immediately elected to the House, was one. The former Harvard rhetoric professor could not account for a new colleague's importance. "He has no wit, no literature, no point of argument, no gracefulness of delivery, no elegance of language, no philosophy, no pathos, no felicitous impromptus." [4] As it turned out, many of those who could not grasp the importance of the new-style manipulator were condemned to defeat or insignificance by them. The new


VALO
THE GLADIATORS OF THE SENATE!
THE BULLEY'S OF THE HOUSE

As this cartoon of the period indicates, the Senate was regarded as the more sober and august of the two houses of Congress, while the House of Representatives was considered rowdy and raucous. *Library of Congress*

era would belong to men like Martin Van Buren of New York who knew the importance of laying sturdy behind-the-scenes groundwork.

Interwoven throughout this era in the Senate are several richly colored threads. One is the hardening sectional bitterness between North, West, and South, seen in the careers of Webster, the northerner; John C. Calhoun, the southerner; and Henry Clay, "Harry of the West." Another is the attempt by the new Democratic party to make good on its campaign promises to champion the little man caught, said the Democrats, in the coils of the serpentlike money interests which were draining away his life's blood. And thirdly, there is the spectacle of two hostile factions arising within the Democratic party itself: one pressing the claims of Vice President Calhoun, who would resign that office for a Senate seat; and the other supporting Martin Van Buren, the former New York senator. None of these threads was separate from the others. As the Twenty-first and Twenty-second congresses unfolded, it was clear that at least two or three of these threads were always braided together and, as new issues came forward, the braid would unravel and be rebraided to pick up a new strand.

On March 17, 1829, after confirming the new president's cabinet, the Senate adjourned its special session. The administration looked forward to almost nine months of noninterference from this body until the regular session of the Twenty-first Congress convened in December. During that time, Jackson set about replacing scores of longtime federal officeholders in Washington and in the states with deserving Democrats who had worked for and supported him. Patronage, as a device to strengthen the party, came to town with a vengeance. The first spate of nominations Jackson sent to the Senate—a majority of whose members were on guard against any sign of executive usurpation—roused spirited opposition.

Jackson got the nine-month respite he wanted during adjournment, but the first storm of his administration broke in the Senate almost as soon as the new Congress convened on December 7, 1829. The enemies of Jackson in the Senate, known as the "opposition," sought the earliest possible opportunity to denounce the wholesale dismissals, and they turned their hostile scrutiny upon every nomination requiring confirmation.

A comparatively new senator, elected on the supposition that he would support the president, stepped forth to organize and direct the fight against the confirmation of nominees in whom Jackson was deeply interested. That senator was John Tyler of Virginia. He typified those Democratic senators who were soon to become members of the opposition. Tyler does not readily come to mind when we think of key senators from this period, but it would be a mistake to underrate his importance. He was highly respected by his colleagues, and his dignity, courtliness, and urbanity gave him a certain social prestige. Tall and slender, his Roman nose, firm mouth, broad and lofty brow, and honest blue eyes combined to give him a distinction that marked him on the Senate floor. Tyler was of the old school of gentlemen senators. His detachment from the political world made it possible for him, during the famous debate on the Foot resolution which I shall mention shortly, to entertain himself in the Senate chamber with the reading of *The Life of Byron.*[5]

Among the Jacksonian nominations were those of, in Tyler's words, "a batch of editors," men who had long been attached to the cause that Jackson personified.[6] Having received recess appointments, most of these men were already at their posts. This provided Jackson's enemies with the perfect opportunity to affront him personally. The friends of Clay and Adams were eager to humiliate their enemy, but the actual conspiracy behind what became known as "massacre of the editors" originated with Tyler.

Among the editors up for confirmation was Major Henry Lee, a half brother of Robert E. Lee, who had been appointed consul general to Algiers. A charge of "moral viciousness" was the pretext used to reject him, but the fact that he had helped with the writing of Jackson's inaugural speech was the principal reason behind the opposition's vendetta.[7] Lee received news of his rejection in Paris and died shortly thereafter.

Isaac Hill of the *New Hampshire Patriot,* nominated for a minor treasury post, presented a greater problem. Instead of taking his defeat gracefully, Hill was elected as a senator from New Hampshire in the next election and lunged into the Senate that had humiliated him to lead the Jackson forces against the opposition. Hill's offense was ostensibly that he had printed unkind things about Mrs. Adams during the late campaign. That these charges sounded rather hollow coming from men who had so recently slandered Rachel Jackson did not escape the president's notice.

Tyler was delighted with his work. He wrote a friend: "On Monday we took the printers in hand. [Amos] Kendall was saved by the casting vote of the Vice-President [Calhoun]. . . . Out of those presented to the Senate, but two have squeezed through, and that by the whole power of the government here having been thrown in the scale."[8] The president was, however, less than pleased. The effect of the rejections was like a slap in the face, and it aroused all the lion in his nature. The rejections were the Senate's first challenge to the president, and it was instantly accepted. Jackson renominated several of his defeated friends and marshalled his allies to ram through their confirmations on the second try.

The Senate's fight against Jackson had begun at the earliest possible moment. The president was affronted that such a fight would begin before he had even announced a policy or a program. The battle would continue for the full eight years of the Jackson administration.

To the senators of 1829–1830, events sometimes must have seemed like onrushing ocean waves. No sooner had one breaker, the nominations controversy, tumbled over them when another crisis rushed in before they could regain their footing.

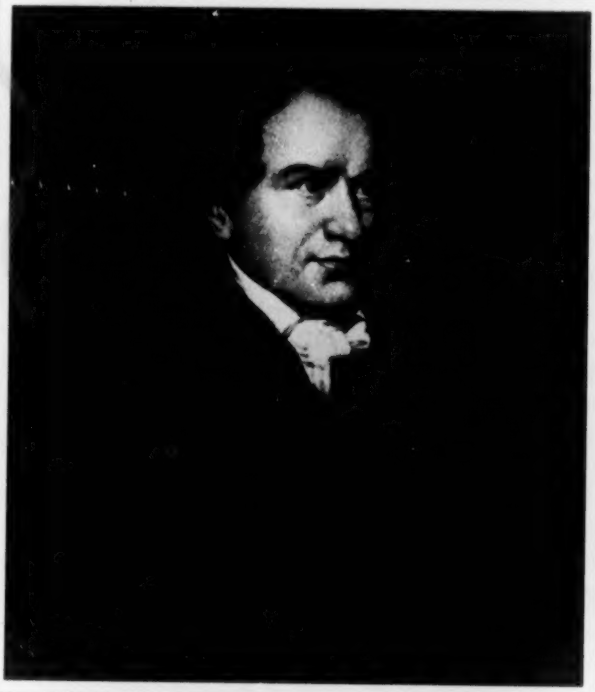
The Webster-Hayne debates began, it seems, quite by accident, but the issues involved were like a powder keg ready to ignite at the slightest spark. The volatile mixture included Calhoun's jealousy of Van Buren and uncertainty over the latter's standing with Jackson, as well as the constitutionality of the doctrine of nullification hinted at in the South after the Tariff of Abominations in 1828 but kept under wraps until after the election. A third issue was the smoldering resentment over the perceived denigration of the nation's agrarian past in favor of an industrial future, mirrored in the contest for power between the South, West, and North.

The inevitable spark that ignited this dangerous mixture was a resolution introduced on December 30, 1829, by Senator Samuel Foot of Connecticut. Foot, an anti-Jackson man, sought to have the Committee on Public Lands inquire into the expediency of limiting the sale of western public lands and abolishing the office of surveyor general. Thomas Hart Benton, the champion of the West, immediately leaped to his feet, assailing the resolution as a diabolical plan to safeguard cheap labor in the Northeast by shutting off opportunities for poor people to escape to the frontier. It was, shouted Benton, nothing short of "a most complex scheme of injustice which taxes the South to injure the West, to pauperize the poor of the North!" [9]

Benton's speech drew approving nods from Vice President Calhoun, who was then presiding. Calhoun was undoubtedly frustrated that he could not join the fight, but the southern states' rights cause had yet another determined advocate in the Senate who could and did speak out—thirty-eight-year-old Robert Y. Hayne of South Carolina. Hayne was a knight of southern chivalry who, as a youth, like the Greeks and Romans, had studied oratory as an art. Hayne's philosophy would bring him head to head with Senator Daniel Webster of Massachusetts. Though nine years Webster's junior, Hayne enjoyed an oratorical reputation that promised the contest would not be one-sided.

Webster's own reputation as an orator was greater than that of any living American. Behind him in 1830 was his Plymouth oration, which rivaled the writings of Washington Irving as a bestseller; his Dartmouth College plea, delivered in the old Supreme Court chamber, which had moved Chief Justice John Marshall to tears; his Bunker Hill address, which had been translated into several languages; and his plea for Greek independence, which had been read around the world.[10]

On January 19, Hayne rose to speak on the Foot resolution. Branching out from Benton's rugged and rather sententious presentation, he gracefully invited the West to unite with the South against encroachments inimical to both sections. His idol and his friend, Calhoun, presided and encouraged him with a smile. Indeed, Hayne saw the public lands question as an opportunity to build an alliance between westerners and



Senator Robert Y. Hayne of South Carolina was a champion of the southern states' rights cause.
Library of Congress

southerners which might help Calhoun's presidential chances. The leading Jackson senators, John Forsyth of Georgia, Edward Livingston of Louisiana, and Felix Grundy of Tennessee, urged him on. Buoyed, he charged the Northeast with a host of sins against the South and West, attacked the American System of high tariffs, and condemned federalism by saying, "There is no evil more to be deprecated than the consolidation of the government." Hayne's blows at federalism, at New England, at all Webster stood for, fell like hammers on an anvil.[11]

Apparently Webster had not caught the full force of Hayne's attack. Wearing his customary blue coat with bright brass buttons, buff waistcoat, and big white cravat, he had just entered the Senate chamber, having climbed the marble stairs from the Supreme Court chamber below where he had been arguing a case. Webster was lounging against a pillar on the edge of the chamber, only half-listening, when Hayne began to lambaste him. Webster took a seat and paid close attention.

On the following day, Webster replied with a relatively short speech in which he defended both Foot's proposed land policy and the tariff of 1828. But he ended the speech by flinging the challenge back at Hayne, homing in on two points on which the South Carolinians were most sensitive. The first was slavery. By identifying anti-slavery with pro-western policy, Webster struck at the heart of the South-West coalition that Hayne and Calhoun hoped to forge. His second barb was aimed at the specter of consolidation, "that perpetual cry both of terror and delusion" which Hayne had raised. He deplored the tendency of some southerners habitually to "speak of the Union in terms of indifference, or even of disparagement" and regretted that Hayne was among them. He branded Hayne as a politician anxious to bring the whole value of the Union into question "as a mere question of present and temporary expediency; nothing more than a mere matter of profit and loss. The Union is to be preserved while it suits local and temporary purposes to preserve it; and to be sundered whenever it shall be found to thwart such purposes." In short, the "Carolina doctrine" did not sound very American to Daniel Webster.[12]

When Webster finished, it was clear that he had successfully shifted the focus of debate from the specifics of public land and tariffs to the larger issue. What was to be debated was the future of the United States. Hayne took the bait. Word went out that he would reply the next day. By that morning, the city was packed. The Indian Queen, Gadsby's, and every nameless boardinghouse in Washington were jammed to the rafters with bickering partisans jostling each other on the staircases, disputing the merits of Hayne and Webster.

By eight o'clock, on the morning of January 21, every seat in the Senate chamber was filled. All eyes were on Hayne and he knew it. He looked boyish and slender in the coarse homespun suit he had substituted for the hated broadcloth of northern manufacture. If he was tense, he barely betrayed it. An observer noted that "he dashed into the debate like a mamluk cavalry upon a charge." (The mamluks had created one of the most formidable empires of the Middle Ages in Egypt and Syria.) In a moment, Hayne was in full swing. He launched into a sarcastic examination of Webster's Federalist record in Congress, made a passionate defense of slavery, and finished with a ringing reaffirmation of the South Carolina theory of nullification. A glance at the "white, triumphant face" of the vice president revealed his satisfaction with his protege. During much of the speech, Calhoun was bent over his desk scrawling hasty, half-legible notes of advice and encouragement to Hayne, which a few moments later would be carried down the aisle most ostentatiously by one of the pages.[13] (Pages were a new fixture in the Senate chamber at that time.)

Hayne's speech took parts of two days, January 21 and 25, 1830. Webster sat through the entire punishing performance. His face a mask as unresponsive as a sphinx, he took careful notes. As he scribbled, it became clear to him that, carried away by his excitement, Hayne had carelessly misstated a crucial point of the whole nullification doctrine, laying himself open to attack. Webster must have smiled inwardly.[14]

Few others caught the error. Southerners tumbled out of the Senate chamber flushed and ecstatic and proceeded to the taverns to toast Hayne, nullification, and the South. The administration's newspaper, Duff Green's *United States Telegraph,* was in a frenzy of delight. Through the aides he had sent to the chamber to listen to Hayne's remarks, President Jackson learned of their content almost immediately. Though uneasy over the emphasis being placed on nullification rather than public lands, on which he clearly supported Benton and Hayne, Jackson professed to be pleased. It was said that you could tell a New England man that night by his downcast face. But Webster was not downcast at all. His friends found him calm and confident, predicting that he would "grind" Hayne "as fine as a pinch of snuff."[15]

The morning of January 26, the day Webster would begin his reply to Hayne, dawned cold and clear. Margaret Bayard Smith, doyenne of Washington society whom I have quoted before, tells us that a biting wind filled the streets with clouds of red dust. She could write that day free from callers because, she said, "everyone is thronging to the Capitol . . . to hear Mr. Webster's reply to Col. Hayne's attack on him and his party."[16]

Coach after coach rolled up before the Capitol, and the sharp, frozen ruts in the road cut into the satin slippers of the ladies as they descended from their carriages into billows of ruffles. There were women everywhere—over 150 of them, one observer said. Mrs. Smith might regret the tendency of women to monopolize the seats in the gallery and on the floor, but that day, by the time they had positioned themselves, there was scarcely room for a senator to stand, much less sit. As Mrs. Smith noted:

> A debate on any political principle would have had no such attraction. But personalities are irresistible. It is a kind of moral gladiatorship. . . . The Senate Chamber . . . is the present arena and never were the amphitheatres of Rome more crowded by the highest ranks of both sexes. . . . Every seat, every inch of ground,

> even the steps were *compactly* filled. . . . The Senators were obliged to relinquish their chairs of State to the fair auditors. . . .[17]

Lewis Machen, chief clerk of the Senate, of whom I have spoken before, confirmed Mrs. Smith's description of the day. He tells us:

> . . . the Senate Chambers and Galleries were filled almost an hour before the time at which the Senate assembled. To accommodate the ladies who thronged the vestibules, not only the lobbies and passages below were filled with chairs, but even Senators had the gallantry to yield their seats; and, still, many were seen standing during the whole of the day. When Mr. Webster commenced his reply I never witnessed a more breathless attention. Amidst the visible excitement which prevailed, he arose.[18]

Mr. President, Webster's reply to Hayne must still be ranked as one of the greatest addresses ever made in the Senate. With a packed chamber hanging on his every word and the ladies hanging on the very edges of their seats, Webster delivered what might well be considered the most powerful, most eloquent plea for the American Union any man has ever made. He spoke from twelve pages of notes; with much extemporizing, it took him several hours, spread over two days, to finish. Machen tells us that he spoke for three hours the first day. A Webster partisan, he claimed that "the missiles discharged against him fell harmless at his feet, or were returned with deadly energy." [19]

His deep voice filling the chamber like an organ's chords, Webster proceeded to examine and demolish Hayne's arguments, one by one. Simply by commending the antislavery provisions of the Northwest Ordinance of 1787, he had pushed Hayne into accusing the nonslaveholding states of harboring plots to destroy the South. Webster was able to reply quite correctly that he had not uttered "a single word which any ingenuity could torture into an attack on the slavery of the South." Hayne's sensitivity on the subject was, said Webster, typical of that of southern politicians who sought "to unite the whole South against Northern men, or Northern measures" on the basis of a feeling "at too intense a heat to admit discrimination or reflection." Although he admitted that the federal government had no power to interfere with slavery in the states, Webster refused to agree with Hayne that the morality of the institution was a matter of political abstraction which statesmen could safely ignore. "I regard domestic slavery as one of the greatest of evils, both moral and political. But though it be a malady, and whether it be curable, and, if so, by what means . . . I leave it to those whose right and duty it is to inquire and decide."

During his assault on Clay's American System, Hayne had contemptuously implied that the people of South Carolina had no legitimate interest in canals or roads in other states. But Webster skillfully picked up this point and turned it around so as to appeal to the patriotic sentiment of the people in all the states:

> "What interest," asks he [Hayne], "has South Carolina in a canal in Ohio?" Sir, this very question is full of significance. It developes the gentleman's whole political system, and its answer expounds mine. . . . On that system, it is true, she has no interest. On that system, Ohio and Carolina are different Governments and different countries, . . . On that system, Carolina has no more interest in a canal in Ohio than in Mexico. . . . Sir, we narrow-minded people of New England do not reason thus. . . . In our contemplation, Carolina and Ohio are parts of the same country; States, united under the same General Government, having interests, common, associated, intermingled. . . . We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains, and lines of latitude, to find boundaries, beyond which public improvements do not benefit us. . . . Sir, if a rail-road or canal, beginning in South Carolina, and ending in South Carolina, appeared to me to be of national importance and national magnitude, . . . if I were to stand up here, and ask what interest has Massachusetts in rail-roads in South Carolina, I should not be willing to face my constituents.

Webster's Reply to Hayne, by George P.A. Healy, captures a moment of high drama in the old Senate chamber during the Hayne-Webster debates in January 1830. *Boston Art Commission*

This last point carried special weight, because Hayne and the other senators knew that, only a few days earlier, Webster had presented a petition from the South Carolina Canal and Railroad Company, asking the federal government to subscribe to its stock on the grounds that its projected road would aid the national welfare.

Listening intently as Webster took on South Carolina was Vice President Calhoun, who presided in the chair as "tense as a coiled spring." Indeed, as Mrs. Smith noted, this was as much a conflict between personalities as issues, and the real principals involved were not Hayne and Webster, but Calhoun and Webster. As the strength of Webster's argument dawned on him, Calhoun's restlessness became "very evident." The plea for internal improvements nettled him beyond endurance. Forgetting his position, his feelings gave way, and time and again he tried to interrupt Webster. Webster noted Calhoun's distress and deliberately stared first at the vice president and then at Hayne as he issued a pointed Shakespearean warning to both:

> A barren sceptre in their gripe,
> Thence to be wrenched by an unlineal hand.
> No son of their's succeeding.

Webster was most effective when he talked of constitutional power and appealed to national pride and sentiment. He began his refutation of Hayne's constitutional position by distinguishing it from the right of revolution which, he said, every American would admit. Hayne interrupted to give his consent to this interpretation. But Webster then proceeded to show how it was wrong in principle and bound to be disastrous in practice. The federal government, he claimed, was not the limited creation of sovereign states but a popular government with powers derived directly from the people and spelled out by the Constitution:

> I hold it to be a popular Government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State Governments. It is created for one purpose; the State Governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of Congress, than with Congress to arrest the operation of their laws. We are here to administer a constitution emanating immediately from the people, and trusted, by them to our administration.

Who was to decide the constitutionality of state or federal laws? The answer was clearly given in the Constitution itself in the two clauses which made the Constitution, as Webster said, "the supreme law of the land" and extended the judicial power "to all cases arising under the Constitution and laws of the United States." To proceed on the opposite assumption—that the states were sovereign and could decide to obey or disobey federal laws at their pleasure—was to take a giant step toward civil war. Webster eloquently contrasted this bloody prospect with the harmony of the early Republic when Massachusetts and South Carolina had united to throw off British tyranny. "Would to God that harmony might again return! Shoulder to shoulder they went through the Revolution, hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support."

As the eulogy to the Union reached its zenith, men and women in the gallery wept openly. Webster's dark skin warmed and his eyes burned as if touched by fire. Even Calhoun revealed the emotions he tried so hard to conceal. Love and pride of country—these were things he could understand, too. By the time Webster concluded, with lines many a schoolboy would thereafter have to memorize, there was hardly a dry eye in the chamber. Here is what he said:

> When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance, rather, behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured, bearing for its motto no such miserable interrogatory as What is all this worth? Nor those other words of delusion and folly, Liberty first and Union afterwards: but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—Liberty *and* Union, now and forever, one and inseparable![20]

A few hours later, the contending giants met again at a White House levee. "How are you this evening, Colonel Hayne?" asked Webster graciously. "None the better for you, sir," said the southerner with a smile.[21] Within a few weeks, Webster's speech was being sold everywhere and was in greater demand than any other congressional speech in American history. Webster's own son, Fletcher, wrote to his father that "I never knew what the Constitution really was till your last short speech. I thought it was a compact between the states." What should be clear, however, is that Webster's speech was as much political as it was philosophical. Daniel Webster was a very shrewd man. His debate with Hayne did much more than nationalize his reputation; it gave him a base of popular support from which he might reasonably seek the presidency. A speech which was powerful enough to draw praise from old adversaries like James Madison and from competitors like Henry Clay could inspire reverence and awe among his New England constituents.[22]

In the tumult that followed Webster's speech, whatever was left of the Benton-Hayne theme of an alliance between the South and the West evaporated. Ultranationalist western senators in the chamber had thrilled to the patriotic fervor of Webster's words. Foot's original, nearly overlooked resolution, which had unleashed this avalanche of rhetoric, was eventually defeated. But the question being raised throughout Washington was how the president, a southerner and a westerner, stood? A correspondent from Jackson's home state wrote that Webster was now known "in every log house" in western Tennessee as "the champion of the Union."[23] How did Old Hickory feel about that?

March 4, 1982

Mr. President, yesterday, I was unable to complete my statement. I discussed at some length the Webster-Hayne debate, and I wish now to continue my statement, "The Senate Comes of Age: 1829–1833."

There were reports that after Hayne had made his first speech, the president had sent him a congratulatory note. Jackson was, no doubt, kindly disposed toward the argument Hayne had begun by criticizing eastern capitalists. But this was before the senator from South Carolina had been led by Webster into open advocacy of the right of a state to sit in judgment upon an act of Congress. Since Webster's famous second reply, Old Hickory had kept his own counsel to the great frustration of both sides and to Calhoun's particular exasperation.

Thomas Hart Benton of Missouri, Felix Grundy of Tennessee, and other administration senators not from the southern branch of the Democratic party believed that, for the benefit of his pro-tariff constituents, Webster had overstressed the perils of the situation. On the Senate floor, Benton came to Hayne's defense. Though the president neither applauded nor criticized Benton, southerners took his silence as boding well. They should not have been so naive. Instead, they should have listened more closely to the speech of Senator Edward Livingston of Louisiana a few days later for clues to the president's true feelings. Livingston was an intimate friend of the president and was destined soon to leave the Senate for the cabinet. In his speech, Livingston sought to return the debate to its original ground but also offered a brilliant defense of the Union against nullification. If the personal views of Jackson are to be found in Senate speeches, they are in this speech by Livingston, not in those by Hayne.[24]

After waiting impatiently for more than a month for a sign from the White House, the South Carolinians decided on a scheme to force the issue. Here Calhoun and Hayne put their own heads into a trap. The occasion was to be the first Democratic party Jefferson Day Dinner on April 13, 1830. The place was Washington's Indian Queen Hotel, known by the luridly painted picture of Pocahontas swinging in front. Calhoun's men planned the evening, and, by scheduling twenty-four toasts, all of which were in praise of nullification, hoped to associate that doctrine with Jefferson and, most importantly, the guest of honor, Andrew Jackson. They scheduled Jackson to offer the first voluntary toast after the twenty-four.

That night, light blazed from the Indian Queen's windows and was reflected through the sparkling decanters of whiskey. The air was filled with the scent of turkey, partridges, and pickled oysters—and heavy with suspense. At each plate lay the program listing the twenty-four speakers. The meaning was clear. The Pennsylvania congressional delegation entered, took one look, and left.

At the White House, Jackson and Van Buren, his secretary of state, considered what their course of action should be. The conspirators' intentions were clear. How to show by his toast that Jackson was familiar with their intent and to demonstrate his determination to preserve the Union at all hazards was the puzzle. They settled on a plan. "Thus armed," wrote Van Buren, "we repaired to the dinner with feelings on the part of the old Chief akin to those which would have animated his breast if the scene of this preliminary skirmish in defense of the Union had been the field of battle instead of the festive board."[25]

Benton arrived to find the hall alive with excitement. Dinner was served. From the head and foot of the central table, Calhoun and Jackson eyed each other. As each course was served, the tension mounted. Hayne began the speeches with a flowery reiteration of his challenge to Webster. Then came the twenty-four toasts. Jackson sat impassively, betraying nothing of his intentions. Finally, it was time for the volunteer toasts, and Jackson stiffly arose amid cheers. So many diners were on their feet that the diminutive Van Buren could not see and so climbed onto his chair.

Andrew Jackson looked straight into the eyes of John C. Calhoun and said, "Our Federal Union: It must be preserved." Utter silence followed. "A proclamation of martial law in South Carolina and an order to arrest Calhoun where he sat," said Isaac Hill, "could not have come with more blinding, staggering force." Jackson raised his glass, a signal the toast was to be drunk standing. As a man, the room arose, Calhoun with the rest. Slowly Calhoun's hands closed around the stem of his glass. Hill reported that "his glass trembled in his hand and a little of the amber fluid trickled down the side." Calhoun drank with the rest, while Jackson continued to stare at him. For a moment more, the white-haired president stood there, and then walked away to talk with Benton. Finally, all were reseated. The toastmaster called upon the vice president. Calhoun arose slowly. He lifted his glass. He picked up the challenge, surrendering nothing. Slowly, but clearly, he said, "The Union—next to our Liberty most dear." Within five minutes, the room had cleared, men fleeing from the scene as from a battle.[26]

From then on, the already strained relations between the president and his vice president went from bad to worse. Calhoun sagged under the strain. A visitor to the Senate gallery found the South Carolinian "more wrinkled and careworn than I had expected from his reputed age. . . . His voice is shrill and to my ear disagreeable. . . . His manners have in them an uneasiness, a hurried, incoherent air." Calhoun, forty-eight years of age, was indeed uneasy. Once more, Van Buren had scored over his rival in the contest to ride Old Hickory's popularity into the presidency.[27]

Calhoun sat uncomfortably in the vice president's chair in the Senate chamber, wishing for the end of the session and release. Before relief came with the close of the first session of the Twenty-first Congress on May 31, however, the Senate and the president locked horns once again. Despite his strong stand for the supremacy of the Union, Jackson had given ample evidence that on other issues he would support the exercise of national authority only in limited areas. One of these limited areas was that of internal improvements.

The House and Senate were indulging in an orgy of so-called pork barrel legislation that provided federal aid to individual projects. The logrolling was fast and furious on Capitol Hill. Would Senator *A* support Senator *B*'s bill for a highway in his state? The trading of votes and cooperation, either for the passage or defeat of bills, would, in time, become a basic and complicated part of congressional procedure in the movement of legislation through committees and on the floors of both houses. But in 1830, Jackson and his followers were disgusted by the raid on the federal treasury and the mileage such efforts gave to Henry Clay and his American System.

Jackson told Van Buren to watch Congress and bring to the White House the first vulnerable bill to meet his eye. By the end of April, Van Buren told the president that he had found the victim—a measure to authorize the government to subscribe $150,000 worth of stock to build a sixty-six-mile turnpike from Maysville to Lexington, Kentucky, Henry Clay's state. The bill had passed the House and would soon pass the Senate. Van Buren sat down to help Jackson write his first veto message, justifying the action by noting that the road lay entirely within one state. Despite a great deal of bluster, Clay's supporters in the Senate could not override the veto and had to leave for home on a crestfallen note. Jackson vetoed twelve measures during his administration—two more than all his predecessors combined.[28]

As the session finally closed, Henry Clay fumed in the West; Calhoun angrily presided over the Senate, nursing his wounds; and Webster still basked in the glory of his recent speeches. It had been a busy five months for the senators, and they gladly went off for a seven-month rest.

During the second session of the Twenty-first Congress, the national spotlight shifted away from the Senate, but, with the opening of the Twenty-second Congress on December 5, 1831, the full glare focused on the senators once again.

In October 1831, Henry Clay sat in the library of Ashland, his Kentucky estate, reading a letter from Daniel Webster which went as follows:

> You must be aware of the strong desire manifested in many parts of the country that you should come into the Senate. The wish is entertained here as earnestly as elsewhere. We are to have an interesting and arduous session. Everything is to be attacked. An array is preparing much more formidable than has ever yet assaulted what we think the leading and important public interests. Not only the tariff, but the Constitution itself, in its elemental and fundamental provisions, will be assailed with talent, vigor, and union. Everything is to be debated as if nothing had ever been settled. It would be an infinite gratification to me to have your aid, or rather, your lead. I know nothing so likely to be useful. Everything valuable in the government is to be fought for and we need your arm in the fight.[29]

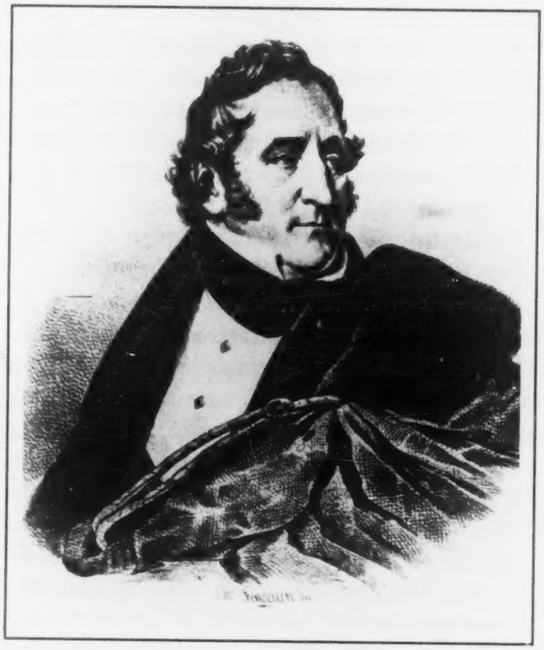
Webster's message was clear. The opposition was gearing up for a major battle with the obstinate president whose candidacy for reelection in 1832 was almost assured. To combat the Democrats, the opposition needed a strong leader and it turned to Clay, whose own nomination for the presidency was also a foregone conclusion.

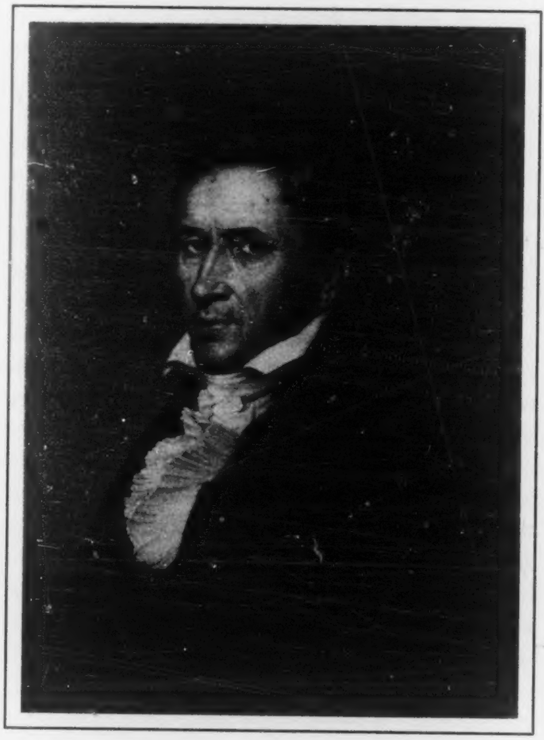
Clay responded to the call to carry the fight into the enemy's camp. In the face of a ferocious Jackson press attack, Clay was elected to the Senate by a small majority of the Kentucky legislature and set off for Washington in November. He arrived, observed Margaret Bayard Smith, "borne up by the undying spirit of ambition," looking "well and animated," to be received with "the most marked deference and respect." [30]

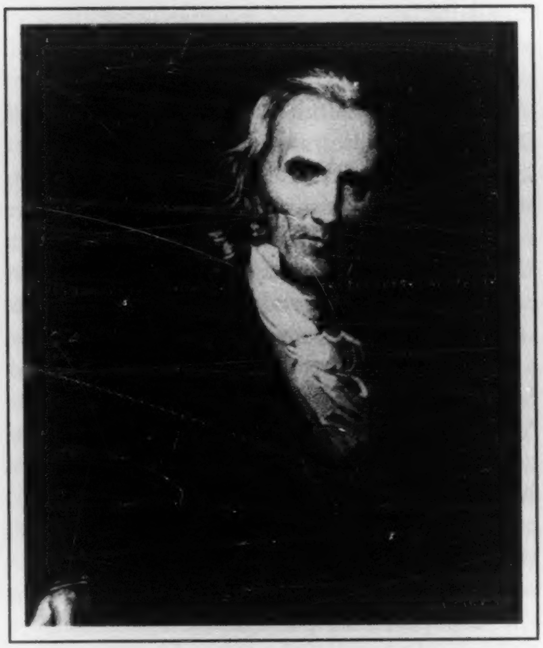
Henry Clay was the consummate politician. Few have been his equal. Few have ever approached his effect upon a partisan audience. Fluent and, at times, capable of passages of inspired eloquence; a master of sarcasm and ridicule; his was the oratory that moves men to action. Webster and Calhoun spoke in abstractions; Clay spoke the language of the people. Webster and Calhoun inspired respect; Clay, love.[31]

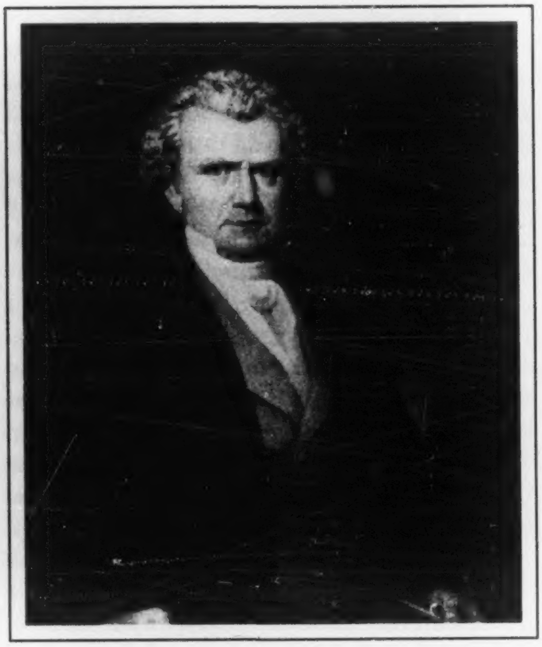
This was the militant figure that strode down Pennsylvania Avenue to take his place at the head of the Senate opposition when the Twenty-second Congress convened on December 5, 1831. Five days later, the National Republicans held their nominating convention in Baltimore and offered him the high office he long had sought.

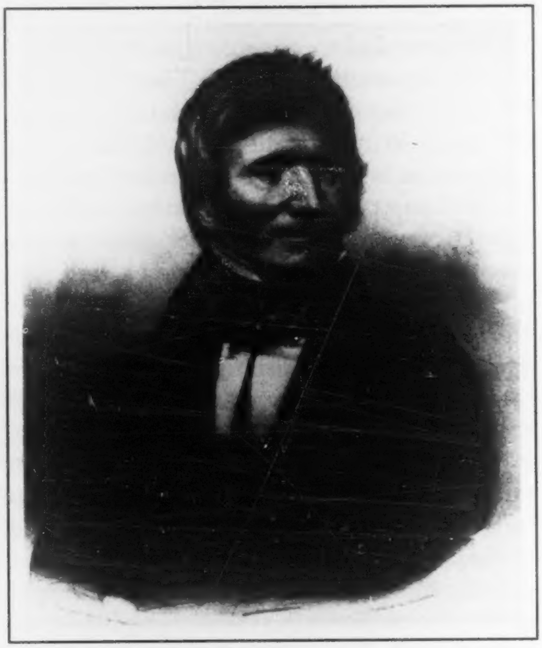
As Clay surveyed his colleagues in the Senate, he must have rejoiced at his advantage. At his side was Webster with all the prestige of his great name. Still presiding, though he knew his days as vice president were numbered, was John C. Calhoun, whose break with the president was now complete. There also was Hayne, obviously no friend of Webster's, but out to revenge the wounds inflicted on his mentor in the chair by the president, willing to join with the opposition now. Also in Clay's camp

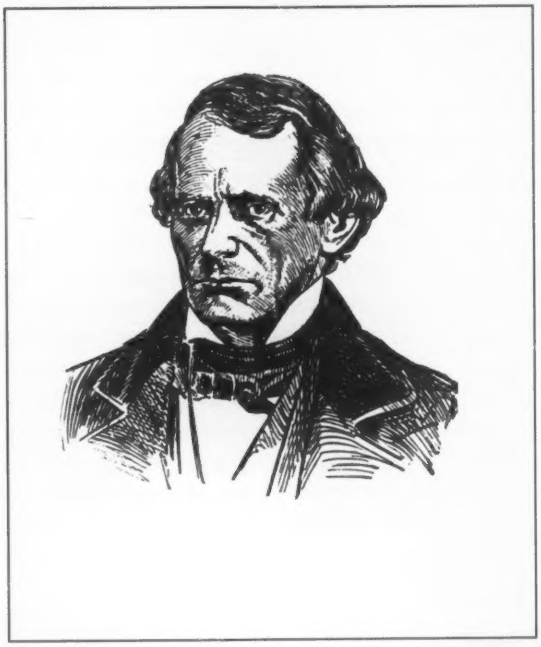












Arrayed against Clay were pro-Jackson senators, *opposite page and this page, from top left clockwise,* Thomas Hart Benton of Missouri, Hugh L. White, Felix Grundy, both of Tennessee, Isaac Hill of New Hampshire, John Forsyth of Georgia, and Mahlon Dickerson of New Jersey. *Library of Congress* were John Middleton Clayton of Delaware and Thomas Ewing of Ohio, the latter a robust partisan and able debater. And, while they were of the states' rights persuasion and hostile to the tariff and internal improvements, Clay could scarcely fail to catch the signals that the erudite Littleton W. Tazewell and John Tyler of Virginia were sending out to make it known that they were ripe for opposition.

Against him, Clay could count John Forsyth of Georgia and, of course, Thomas Hart Benton of Missouri. These two were aided by Senators Felix Grundy and Hugh Lawson White of Tennessee, Isaac Hill of New Hampshire, and Mahlon Dickerson of New Jersey.

Clay and his opposition faced off against the Jackson men. The Kentuckian was a dominant figure in the debate that winter. An impatient listener, he was wont to sit at indifferent ease reading or eating sticks of striped peppermint candy, a procedure varied by occasional restless wanderings over to the snuffbox that stood on the center table. When he spoke, his telling arguments and effective gestures compelled the attention of his listeners.[32]

Skirmishing began almost at once. But Clay was looking for an issue on which to leap. A less provocative message than that with which Jackson opened the Twenty-second Congress, however, could hardly have been penned. For lack of a better scapegoat, the opposition seized upon the nomination of Van Buren as minister to England. At least on this issue, Clay knew that Calhoun's and Hayne's hatred of the Red Fox of Kinderhook (Van Buren) would keep them in the opposition's fold.

Van Buren had resigned as secretary of state in 1831, when Jackson's entire cabinet was overhauled. In June of that year, Jackson had named him to the London mission, too late for the Senate to act upon the appointment. By January 1832, his confirmation was at the mercy of his foes, and a pettier story of party politics is scarcely found in the Senate's history. None really doubted Van Buren's ability or questioned his integrity. The Calhoun faction acted out of spite; Clay, Webster, and Clayton acted out of partisan spleen. Calhoun's men took the tack that Van Buren had plotted the disruption in the cabinet and engineered the quarrel between the president and the vice president. Clay and Webster and their followers denounced him as a spoilsman and thundered against Van Buren's part as secretary of state in the negotiations on the West India trade, where he repudiated previous U.S. policies.

When the nomination reached the Senate, nothing was done for five weeks. The leaders of the opposition were carefully preparing their speeches for publication and wide distribution because they did not have copying machines in those days.

The venom behind the procrastination was finally revealed in a resolution entrusted to an obscure member, Senator John Holmes of Maine, to recommit the nomination with instructions to investigate the disruption of the cabinet and whether Van Buren had "participated in any practices disreputable to the national character." This cavalier measure was withdrawn without action but then the grander orators began. One after another, with a poor simulation of sorrowful regret over the necessity of injuring an amiable man, a former senator at that, they poured forth protest against the nomination. Clay, Webster, Clayton, Ewing, Hayne, and seven others recited their elaborately prepared harangues under the approving eye of Calhoun in the chair.

Only four replies were made, the principal one by John Forsyth, the accomplished de facto floor leader of the administration. Forsyth bitterly assailed the partisan crucifixion and sarcastically commended the fine public spirit of the senators who voluntarily brought such distress upon themselves in the public good. Forsyth's barbs hit home. Hayne later admitted that he had spoken and voted against his judgment at the behest of party alone. John Tyler noted that he finally voted for confirmation, "not that I liked the man overmuch," but because he could find no principle to justify his rejection and did not care to join "the notoriously factious opposition . . . who opposed everything favored by the Administration." [33]

We should not be surprised that so few Jackson men came to Van Buren's defense. Many of them rightly saw that in his defeat could come his victory. Benton, who did not participate in the Senate debate, was of this view. Benton believed that though "rejection was a bitter medicine, there was health at the bottom of the draught." Freshman Senator William Marcy of New York, a firm friend of Van Buren, agreed. "There would have been some difficulty in enlisting the popular feeling in his [Van Buren's] favor, but the blow aimed at Van Buren, Old Hickory will receive, and the two are and will be identified." [34]

When the vote was finally taken for confirmation, it ended in a prearranged tie. In triumph, Vice President Calhoun cast the deciding vote for rejection, ending, he was sure, his rival's career. Within earshot of Benton, Calhoun gloated, "It will kill him, sir, kill him dead. He will never kick, sir, never kick." Benton knew differently. Said he, "You have broken a Minister, and elected a vice president." Marcy wrote happily to London to inform Van Buren, jokingly pretending to be transmitting evil news. Van Buren returned to the United States a political martyr. In May, the Democrats chose him as Jackson's vice-presidential running mate.[35]

One might think that the presidential election would overshadow all other events in 1832. Instead, a new crisis, really a long-smoldering crisis, suddenly came to a head more quickly than anyone had expected. Ever since the tariff of 1828—the so-called Tariff of Abominations—South Carolina, with Calhoun at the helm aided by Hayne, had been nursing the doctrine of nullification.

To try to conciliate the South, Jackson had asked Congress to revise the harsh 1828 tariff. And, indeed, a new, milder tariff did pass Congress on July 14, 1832, with southern support. Those who thought the threat had passed failed to reckon on the determination of South Carolina and John C. Calhoun. In August, Calhoun wrote a public letter to South Carolina Governor Hamilton defending nullification. The governor then called a state convention which met in Columbia in November and adopted an ordinance nullifying the tariff and prohibiting the collection of any duties within the state beginning February 1, 1833. The legislature passed laws to enforce the ordinance. President Jackson responded by alerting United States forces in South Carolina and by issuing his famous proclamation condemning nullification and asserting the supremacy of the federal government.

As Christmas 1832 approached, threats of war and secession were heard on every side. Charleston, South Carolina, looked like a military depot. Realizing that Jackson already considered him a traitor, Calhoun allowed himself to be chosen by the South Carolina legislature to fill the Senate seat of Hayne, who willingly stepped aside and was elected governor. A few days later, Calhoun resigned the vice-presidency. (By then, it was clear that Jackson and Van Buren had won the November elections. The electoral vote would be 219 for Jackson, 49 for Clay.)

Calhoun addressed a hurried note to Secretary of State Edward Livingston:

> Sir, having concluded to accept a seat in the United States Senate, I herewith resign the office of Vice-President of the United States.

To this extraordinary document, neither the secretary nor the administration paid any attention. It was so completely ignored that Calhoun finally wrote Livingston to see if he had received it. Even the Senate disdained to recognize the withdrawal of its presiding officer. Business continued as usual as Calhoun prepared to leave South Carolina to carry his state's battle onto the floor of the Senate.[36]

Calhoun was literally taking his life into his hands when he left Charleston. There were rumors that Jackson had sworn to hang him. Loyal followers accompanied him as far as the Virginia line into Washington but even they began to drift off as the border was reached. Only a few curious spectators saw him enter his old boardinghouse. The mail that awaited him, full of drawings of skulls and coffins, did little to quiet his nerves.

Crowds lined the streets the next morning, January 4, 1833, to watch him head off to the Senate. The Capitol was packed, and curious friends and foes thronged the Senate gallery. Calhoun entered the chamber, deathly pale but calm. The chamber was just as he had left it with the familiar sound of scratching quill pens, knuckles rapping sand off the wet ink, the rustle of newspapers tossed down as he passed. As the new senator from South Carolina sat down, several southerners came to shake his hand, but many former friends, as they sometimes will, hung back. Some deliberately avoided his gaze. And, my, what a gaze from the piercing, black eyes of Calhoun! When he strode forward to be sworn in, his colleagues watched in wonder as the Great Nullifier solemnly swore to "uphold, defend, and protect the Constitution of the United States."

Calhoun held his peace in the Senate until Jackson's Force bill, designed to enable the president to use the army and navy to enforce revenue laws, arrived in mid-January. He sprang to his feet. His words were exceedingly bitter. In youth, he told the Senate, he had "cherished a deep and enthusiastic admiration of this Union." He had looked "with rapture" on the federal system, but always knew that, in the last resort, the body that delegated the power could regain the power. And now, for merely daring to assert the state's constitutional rights, "We are threatened to have our throats cut, and those of our wives and children." He stopped suddenly and told his already startled colleagues, "No, I go too far. I did not intend to use language so strong." An amazed correspondent for Baltimore's *Patriot* noted, "Mr. Calhoun spoke under a degree of excitement never before witnessed in a parliamentary body. His whole frame was agitated."[37]

When another senator hastily assured Calhoun that the government would appeal to South Carolina's sense of justice and patriotism, Calhoun retorted, "I am sorry that South Carolina cannot appeal to the sense of justice of the General Government." When several senators called him to order, Calhoun again "begged pardon for the warmth with which he had expressed himself." But he could never take back his words. The stage was set for another memorable debate in the Senate, and, this time, the principals would be, not Hayne acting as a surrogate for the silent vice president, but the former vice president himself up against Daniel Webster.[38]

That Daniel Webster should represent the administration in this dramatic confrontation had a delicious irony for the swarthy New Englander. Almost simultaneously, he was battling Jackson on the bank issue. Webster and Jackson had not even been on speaking terms for more than a year, but astute senators were aware that Webster was being wooed to take up the administration's part on this issue. Senator Tyler of Virginia, a Calhoun supporter, wrote home in January, "I dined at the Palace [White House] . . . a few days since and found Mr. W. there in all his glory." [39]

The great debate began in mid-February 1833. Calhoun had introduced three resolutions which stated that the United States existed by virtue of a constitutional compact through which each state retained its sovereignty and could judge for itself whether or not the laws of the United States should apply in its case. The resolutions also included a specific denial that the people of the United States were or had ever been "one union." He set the stage dramatically for his opening salvo to defend his resolutions and condemn the Force bill. Pushing some chairs down to both ends of a long desk which stood in the front of the chamber, he enclosed himself in a sort of cage where he could pace up and down as he spoke. Close observers noted how rapidly he had aged in the past few months. His dark eyes were sunken; his short-clipped hair, brushed back from a broad forehead, was streaked with gray. To some, the gaunt figure looked "the arch traitor . . . like Satan in Paradise." To others, he was a great patriot with his back against the wall, battling fiercely in defense of violated liberties.

Calhoun's speech, which consumed two days, was uncharacteristically emotional and vindictive. He attacked the president and his friends. He attacked Webster and New England. He claimed that the Force bill declared war against South Carolina. "It decrees a massacre of her citizens. . . . It enables him [Jackson] to subject every man in the United States . . . to martial law . . . and under the penalty of court-martial to compel him to imbrue his hand in his brother's blood." All the while, Webster's head was bent over a paper on which he busily took notes.

At the end of the first day, in the midst of "the tempest and whirlwind of his [Calhoun's] oratory," a voice screamed from the gallery, "Mr. President, I am being squeezed to death!" The almost unbearable tension snapped and the Senate, except for Calhoun, rocked with laughter and adjourned until the next day, when Calhoun took up his thread again for another hour before stopping.

As soon as Calhoun finished, Webster arose to speak. He had to pause for the cheering from the New Englanders in the gallery to subside. Standing in the wings were Jackson's intimates, ready to speed down Capitol Hill to the White House with news of the confrontation. Webster's speech was essentially a replay of his part in the Hayne debate. It was late in the evening when he concluded his masterful argument on the proposition that "the Constitution is not a compact between sovereign States." Brushing aside personalities, scarcely referring to any speech made during the debate, he stuck to his subject and spoke earnestly, without passion.

Long before Webster finished, the lights had been lit in the chamber where the crowd remained densely packed. With his conclusion, the galleries rose and cheered. Outraged, Senator George Poindexter of Mississippi demanded an immediate adjournment. The victory was Webster's. The president was delighted. Jackson wrote to a friend that "Calhoun was in a state of dementation—his speech was a perfect failure; and Mr. Webster handled him like a child."

On February 24, the Force bill came to a vote. With the beginning of the calling of the roll, Calhoun and all the enemies of the measure, with the single exception of John Tyler, arose and filed from the Senate chamber. A few moments earlier, Clay had left the chamber on an unknown errand. The Force bill passed 32 to 1; the nay was Tyler's.

Troops stood ready to march into South Carolina to wrest the federal revenues from their coffers, but all sides hoped that there was still time for an eleventh-hour compromise. At the same time the Force bill was moving through Congress, a compromise tariff bill was keeping pace with it. Administration supporters had introduced a measure for the immediate lowering of the tariff. Neither Henry Clay nor Calhoun wanted to see this bill pass, for it would permit Jackson and Van Buren to take credit for settling—and winning—the issue. Instead, Clay formulated his own compromise tariff bill, and Calhoun reluctantly agreed to support it.

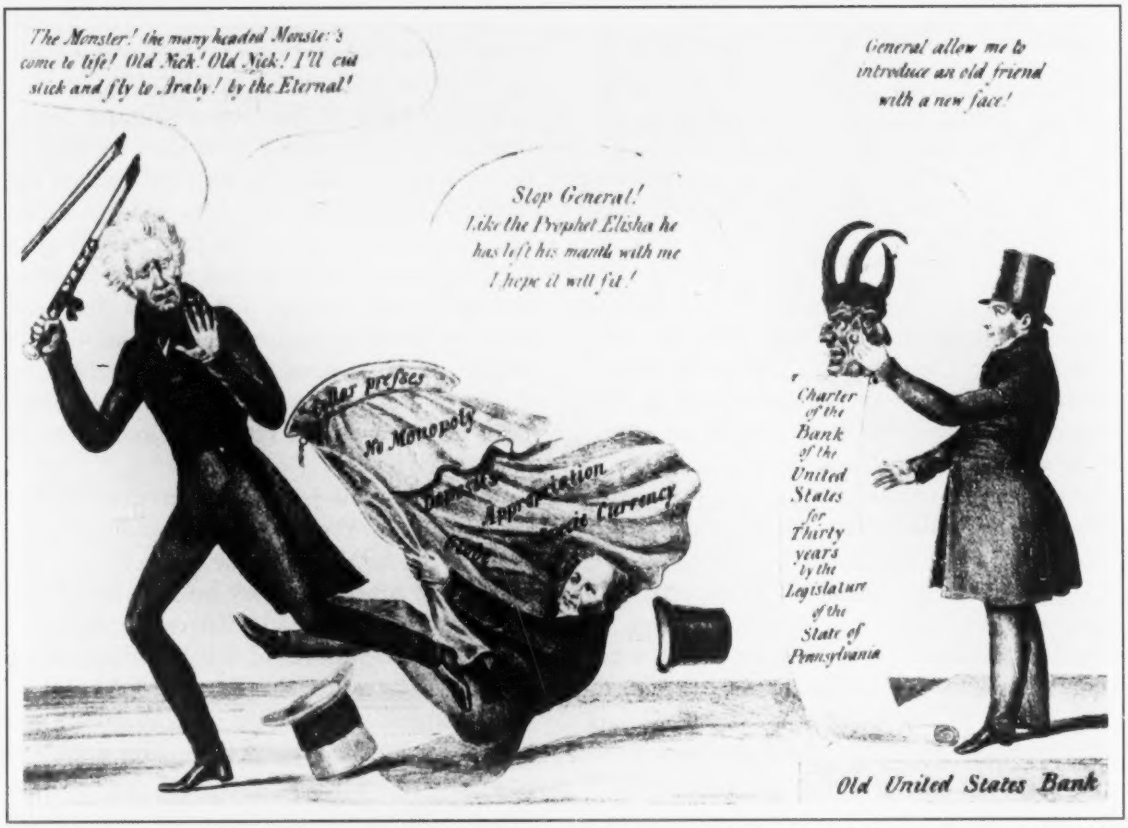
Clay introduced his modified tariff bill on February 13, 1833, declaring, "I have ambition, the ambition of being the humble instrument in the hands of Providence to reconcile a divided people." As the "humble instrument" sat down, Calhoun arose and stiffly announced his support. The galleries thundered with applause. By March 1, the measure had passed both houses of Congress. The new tariff bill and the Force bill were both signed into law by Jackson on March 2, the last day of the Twenty-second Congress.

The nullification crisis was finally over. South Carolina suspended the nullification ordinance after the new tariff passed. Both sides claimed victory. What lessons had the three giants of the Senate learned from the experience? Calhoun, sullen and bitter, now knew that no state standing by itself could successfully carry out the doctrine of nullification. The South would have to unite if it was to stand at all. Webster was frustrated. He had supplied the brilliant arguments, but Jackson was getting most of the credit for routing the Nullifiers. And Clay had turned the crisis to his advantage, when, after staying out of it until the very end, he had negotiated a genuine compromise and bolstered his sagging political stock.[40]

Even while the burning issue of nullification was before the Congress, the drama of another major dilemma continued to grow apace. This was the issue of the Second Bank of the United States. The question of the bank was very complicated and, at the end of the Twenty-second Congress, it still hung fire. But since it affected the Senate and the election of 1832, I intend to touch on it here briefly before I close.

The issue between the president and his opponents in Congress was the renewing of the Second Bank of the United States whose existing, twenty-year charter was due to expire in 1836. In his first message to Congress, in December 1829, Jackson had revealed his basic antagonism to the bank and suggested an investigation into its dealings. Along with his supporters in the House and Senate, most notably Thomas Hart Benton, Jackson viewed the bank as a national monster, established unconstitutionally and run privately and in a dictatorial fashion by its president, the aristocratic Nicholas Biddle of Philadelphia. The bank existed, claimed Benton and others, for the benefit of the privileged commercial interests of the Northeast to the detriment of the government and the agrarian interests of the South and West.

To many others, however, Clay and Webster among the leaders, the memory of the country's near-fiscal collapse during the War of 1812, after the demise of the First Bank of the United States, had not faded. To them, the bank was the source of the nation's stability, and, since this group still held a slim majority in both houses, Congress paid little attention to Jackson's call for an investigation. Jackson, however, meant business and, in his next annual address to Congress in 1830, recommended that the Second Bank of the United States be replaced with a new


The Monster! the many headed Monste: 's come to life! Old Nick! Old Nick! I'll cut stick and fly to Araby! by the Eternal!
Stop General! Like the Prophet Elisha he has left his mantle with me I hope it will fit!
General allow me to introduce an old friend with a new face!
No Monopoly
Appropriation
Currency
Charter of the Bank of the United States for Thirty years by the Legislature of the State of Pennsylvania
Old United States Bank

The debates over rechartering the Second Bank of the United States pitted President Jackson against much of the Senate and consumed most of 1831 and 1832. *Library of Congress*

government bank that would be a branch of the treasury.

Thomas Hart Benton took up the president's cause in the Senate. On February 2, 1831, he tried to introduce a resolution against recharter of the bank. Despite a fiery speech that lasted several hours, Benton was denied permission even to present his resolution. His words were not wasted, however; pro-Jackson presses circulated his speech widely, and the antibank argument began to make an impact on the electorate. Meanwhile, Clay, fighting mad over the Maysville Road veto, returned to the Senate to lead the fight for the bank and to give Benton a run for his money.[41]

Confident of a majority in the current Congress and wary of increased Jackson strength in the next, supporters of the bank decided to apply at once—four years early—for a renewal of the charter. The move led to frantic scrambling in both the House and Senate. In the House, a freshman representative and pro-Jackson man from Georgia, Augustin Clayton, recited a list of fifteen charges against the bank. These charges had been written down for him by Senator Benton on a small piece of paper that Clayton kept wrapped around his finger to refresh his memory as he spoke. Benton had his own problems in the Senate, Isaac Bassett tells us:

> While Mr. Benton was making some remarks on the United States Bank bill, an incident occurred in the Senate Chamber. A piece of iron, part of a horseshoe, was thrown from the gallery into the body of the Chamber, passing near the head of Senator Benton. The person who threw, hastily withdrew from the gallery but was followed and apprehended by Mr. Shackford, the Doorkeeper. After being detained a little while, he was released by order of the Vice President. He was found to be deranged.[42]

Even crib sheets could not save the antibank forces. On June 11, 1832, the Senate voted 28 to 20 for recharter; on July 3, the House concurred, 107 to 86. For seven days, it looked as if the Clay forces had made a shrewd, early move. But, on July 10, the House and Senate received Jackson's stinging veto of the bank recharter.[43]

Clay and Benton faced off in the chamber that very hot July—no air conditioning in those days—to debate the president's veto. Benton rose to defend the president and, in the course of his harangue, charged that Clay's attack wanted courtesy and decorum. Clay took the remarks personally and retorted savagely, pointedly telling Benton that when "some senators" rose to speak, "the galleries are quickly emptied, with whatever else the Senate chamber may then be filled." The Kentuckian professed himself at a loss to determine which of the Missourian's opinions of Jackson one was to take for the correct one and made caustic allusion to the fight between Jackson and the Benton brothers that had taken place years before. Certainly, Clay sneered, "I never complained of the President beating a brother of mine after he was prostrated and lying apparently lifeless." Benton flung back taunt for taunt. Aspersion brought aspersion until, somewhat belatedly, the chair called for order.

Finally, the question was put on the passage of the bank bill. By a vote of 22 for and 19 against, the Senate failed to override the veto. It was Friday, July 13, 1832, and a black day for Henry Clay.[44]

Jackson viewed his overwhelming presidential election victory over Clay in the fall of 1832 as a mandate to proceed against the bank. In September 1833, he announced that the government would begin removing its deposits from the bank and placing them in selected state banks. Chastened but not undone, Biddle, meanwhile, began a campaign of restricting loans and tightening credit to create financial distress and arouse protests that would force the president to change his policy.

When the new Congress convened in December 1833, Webster, Clay, and Calhoun were at the forefront of the battle to save the bank. Day after day, they held up important Senate business to read "distress memorials." In time, delegations of hard-pressed businessmen began to show up to lobby their senators and representatives. Webster and the other opponents of the administration welcomed them—Webster even once ushering a group of thirty men onto the floor of the Senate, placing them in various spots around the chamber while he read aloud their petition.

Thus, it was clear at the opening of the Twenty-third Congress that the bank issue would not go away; indeed, it would continue to escalate until it resulted in the first and only Senate censure of a president. The dramatic story of the censure of Andrew Jackson is so compelling that I would like to save it for my next statement on the history of the Senate. The years we have just reviewed, 1829 through 1833, which included the Webster-Hayne debates, the rejection of Van Buren, the nullification crisis, and the opening salvos of the bank war, have been far busy enough for now.

CHAPTER 8

The Senate Censures Andrew Jackson
1833–1837

March 15, 1982

Mr. President, the Constitution clearly defines the Senate's impeachment role, as well as its power to discipline its own members. In 1868, the Senate sat as a court of impeachment for President Andrew Johnson and acquitted him by only one vote. Again, in 1974, the Senate prepared to exercise its powers as an impeachment court for Richard Nixon, prior to his resignation. With regard to its own members, since 1789, this body has chosen to discipline eight senators by means of censure. The censure of a president, however, lacks a constitutional basis. Nonetheless, on March 28, 1834, for the first and only time in its history, the Senate voted to censure President Andrew Jackson. The dramatic story of how this censure came about, its equally dramatic conclusion, and its historical significance will be the subject of my remarks today in my continuing series of addresses on the history of the United States Senate.

The censure of President Jackson was a momentous occasion in the birth of the Whig party and the reuniting of three of the most famous United States senators: Henry Clay of Kentucky, John C. Calhoun of South Carolina, and Daniel Webster of Massachusetts. The issue behind the censure was the Bank of the United States, about which I spoke at length during my last address. To briefly recapitulate, President Jackson had vetoed the rechartering of the Second Bank of the United States in 1832 on the grounds that the bank was unconstitutional, aristocratic, and had failed to establish a sound and uniform currency. The Senate attempted and failed to override Jackson's veto. Later that year, the bank issue played a leading part in the presidential election in which President Jackson won a decisive victory in his contest against the National Republican candidate, Henry Clay.

After the election, the president met with his cabinet to discuss the government's deposits in the bank. Jackson announced that he believed the bank to be insolvent and that the government should withdraw its funds—both to protect the public money, and to prevent the bank from using the funds in a lobbying attempt to influence Congress to override the presidential veto. The president then asked Congress to investigate the safety of the government's deposits in the bank, but when the House of Representatives conducted an investigation and reported back that the deposits were indeed safe, Jackson simply ignored their unwanted conclusion.

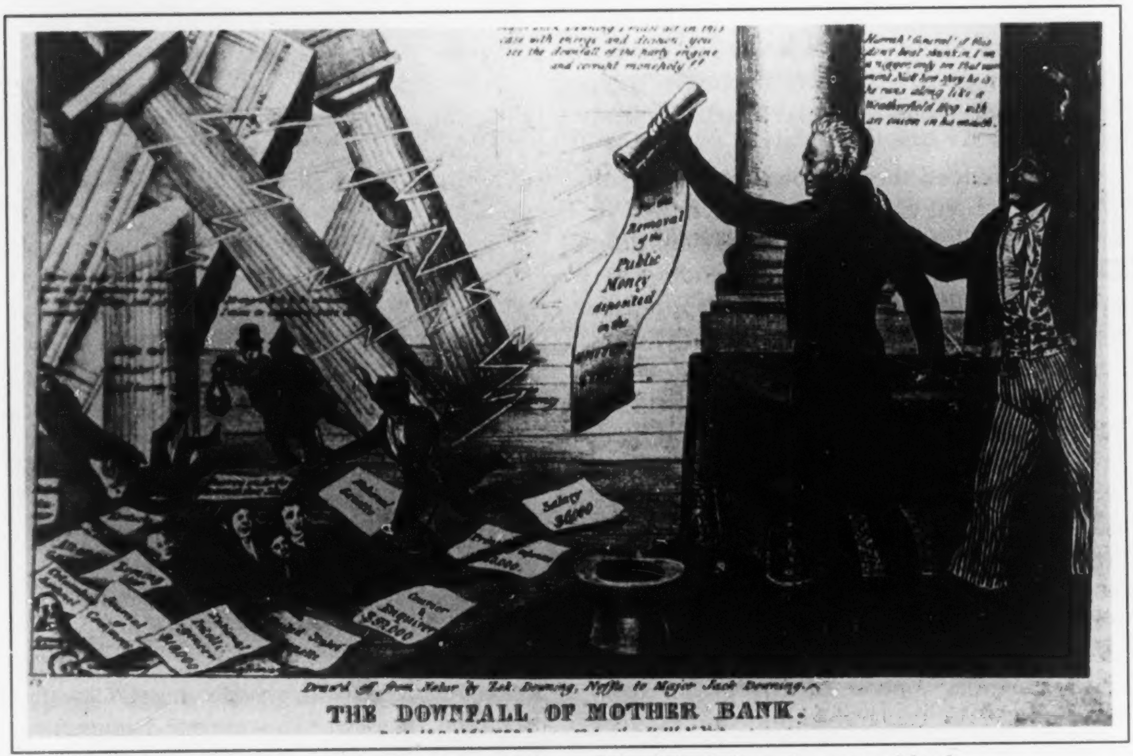
Since Treasury Secretary Louis McLane opposed the transfer of government funds on the grounds that Congress would not support the idea, Jackson appointed him secretary of state and named a new treasury secretary, William J. Duane, a staunch antibank man. But Jackson soon discovered that Duane, too, opposed removal of the government's deposits, because he believed the action would shake the public's confidence and cause an economic downswing; thus, President Jackson, strong-willed as he was, removed a second treasury secretary. This time, he appointed his trusted attorney general, Roger Taney, who, he was confident, would carry out presidential orders. The government began to withdraw its funds from the national bank and deposit them in a variety of state banks.[1]

As Jackson and Taney were implementing this policy, the equally strong-willed president of the Bank of the United States was carrying on his own plan of economic sabotage. Nicholas Biddle conducted a policy of restricting credit and calling in the bank's loans, calculated to cause an economic contraction that would arouse the public against Jackson's program. At one time, historians attributed the depression that followed solely to the clash between Jackson and Biddle over the bank. More recent studies have found the American depression of the 1830's to have been part of a world-wide depression, made all the worse in the United States by the political crises over the nation's banking system.[2] But whether Nicholas Biddle was a major cause of, or merely a contributor to, the economic collapse, certainly he and his political allies, Clay and Webster, believed that the hard times would work in their favor and to Jackson's detriment. President Jackson, for his part, refused to move an inch. "I never will recharter the United States Bank, or sign a charter for any other bank, so long as my name is Andrew Jackson," he told one group of businessmen.[3]

When the Twenty-third Congress met in December 1833, the Democrats had a comfortable majority of 147 members in the House as opposed to 113 members representing the National Republicans, the Anti-Masons, the Nullifiers, and the States' Rights parties (all of which would soon loosely combine to make up the Whig party). In the Senate, however, the Clay, Calhoun, and Webster combination counted 28 senators on their side, while the Democrats had only 20.

With this margin behind him, the masterful Henry Clay rose in the Senate to challenge Jackson on the bank issue. On December 10, 1833, Clay called his colleagues' attention to "a subject perhaps exceeding in importance any other question likely to come before the present Congress." By this, he meant Jackson's removal of the government deposits from the bank. The time had now come, said Clay, for Congress to examine the secretary of the treasury's reasons for removing the funds and to determine whether his stated reasons were fully justified. Clay then offered the following resolution:

> *Resolved,* That the President of the United States be requested to inform the Senate whether a paper, under the date of the 18th day of September, 1833, purporting to have been read by him to the heads of the several departments, relating to the deposit[s] of the public money in the treasury of the United States, and alleged to have been published by his authority, be genuine or not; and, if it be genuine, that he be also requested to cause a copy of the said paper to be laid before the Senate.[4]


case with energy and decision, you
see the downfall of the party engine
and corrupt monopoly!!
he runs along like a
Weathersfield Hog with
an onion in his mouth.
Removal
of the
Public
Money
deposited
in the
Salary
$6000
Courier
&
Enquirer
$52,000
Drawn off from Natur by Zek. Downing, Neffu to Major Jack Downing.
THE DOWNFALL OF MOTHER BANK.

In a cartoon from the period, President Jackson withdraws federal funds from the national bank.

Library of Congress

Mr. President, on December 11, 1833, after a heated debate, the Senate adopted Clay's resolution by a vote of 23 to 18; however, the next day, President Jackson sent a message flatly declining to comply with the resolution:

> The Executive is a co-ordinate and independent branch of the Government equally with the Senate; and I have yet to learn under what constitutional authority that branch of the Legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of departments acting as a cabinet council.[5]

Although Jackson did not use the phrase, he was invoking what we today would call executive privilege.

John Quincy Adams, former president and, at that time, a member of the House of Representatives, noted in his diary that there was "a tone of insolence and insult" in Jackson's messages to Congress, particularly his response to the Senate's resolution, and that this tone had increased since Jackson's reelection. The legislature, Adams noted, had never witnessed such treatment. "The domineering tone has heretofore been usually on the side of the legislative bodies to the Executive, and Clay has not been sparing in the use of it. He is now paid in his own coin."[6]

Jackson's refusal to comply with the resolution led Clay to escalate his offensive. On the day after Christmas in 1833, Clay introduced two resolutions of censure against the president. One was based on his dismissal of

Treasury Secretary Duane, and the other on the grounds that Jackson's stated reasons for withdrawing government deposits from the bank were "unsatisfactory and insufficient." [7]

Clay defended these resolutions in one of the most famous of his Senate speeches. "We are," he said, "in the midst of a revolution, hitherto bloodless, but rapidly tending towards a total change of the pure republican character of the Government, and to the concentration of all power in the hands of one man." Jackson had "paralyzed" Congress by his unprecedented use of the veto, particularly of the pocket veto which did not permit a congressional override. Jackson was undermining the Senate's authority to approve nominations by his constant removal of officers and by his reappointment of persons whom the Senate had already rejected. Worst of all, the president was seeking to seize Congress' power of the purse, thus combining "the two most important powers of civil government": the sword and the purse.

With wit, eloquence, logic, and appeals to reason and to passion, Clay verbally assaulted the president and his actions. Clay's speech lasted three days and filled eighteen pages of the *Register of Debates.* The president had assumed a dangerous and unconstitutional power, said Clay, for which the Senate must censure him:

> The eyes and the hopes of the American people are anxiously turned to Congress. . . . The premonitory symptoms of despotism are upon us; and if Congress does not apply an instantaneous and effective remedy, the fatal collapse will soon come on, and we shall die—ignobly die—base, mean, and abject slaves; the scorn and contempt of mankind; unpitied, unwept, unmourned!

With these words, Clay concluded his speech, and the *Register of Debates* reported that his remarks were followed "by such loud and repeated applause from the immense crowd which thronged the galleries and lobbies" that Vice President Van Buren ordered the galleries cleared.[8]

Thomas Hart Benton of Missouri and other Jacksonian Democrats then rose to the president's defense. The debate over the removal of the deposits and the censure of Jackson lasted for the remainder of the first session of the Twenty-third Congress, from January through March 1834. This was the longest period the Senate had devoted itself to a single subject up to that time. Henry Clay noted that "the period which had elapsed was long enough for a vessel to have passed the Cape of Good Hope, or to have made a return voyage from Europe."[9] Page after page of the *Register of Debates* is devoted entirely to the deposits issue, the bank, and the "public distress" caused by the economic uncertainties. Memorials were received from states, citizens, and private interest groups. Senators on both sides amassed impressive and intricate statistics to buttress their arguments.

Of the three Senate giants lined up against the president—Clay, Calhoun, and Webster—each had different reasons for supporting the resolutions. Henry Clay wanted to embarrass Jackson and Van Buren politically and to set the stage for a new political coalition to challenge them. John C. Calhoun cared little about the bank as an issue. He could just as well have supported Jackson's position, except for his total hostility toward the president. In his speeches in the Senate, Calhoun used the bank issue primarily as an example of the correctness of his own earlier break with Jackson over tariff and nullification issues. Daniel Webster at first attempted to assume the statesman's role by seeking a compromise among Clay, Calhoun, and Jackson. Webster, as chairman of the Senate Finance Committee, proposed a six-year extension of the bank's charter to allow it to

President Jackson, assailed by Whigs and Clay supporters, vainly attempted to wield power in the last years of his presidency. *Architect of the Capitol*

wind up its business and for the redepositing of government funds in the bank. Webster's compromise, however, satisfied neither side. Finally, Webster, too, chose sides with the anti-Jacksonians and supported the censure resolution.[10]

Mr. President, the coming together of these three senators was the first step in the formation of a new American political party, the Whig party, which would soon absorb the old National Republicans, the Anti-Masons, and the States' Righters, as well as a few Democratic converts. The term *Whig* came from British politics and was popular in America during the time of the Revolution. It signified opposition to the crown and to the Tories who supported the king—in this case, King Andrew. The Whigs, however, were reluctant to allow Jackson's supporters to claim a monopoly on the coveted term *Democrats,* and, at least until 1840, they called themselves Democratic Whigs. But, for the most part, after 1834, the American political scene was divided between Democrats and Whigs.

The bank war and the depression that followed caused American political leaders to choose sides between the two parties. Historian Michael Holt has pointed out that twenty-eight of the forty-one Democrats who voted for rechartering of the bank in 1832 had become Whigs by 1836. Even Jackson's trusted friends and lieutenants from Tennessee—such as John Overton, John Eaton, and Hugh Lawson White—split with the president on the issue of removing government deposits from the bank. North Carolina Democrat Willie P. Mangum, of whom the Senate recently acquired a handsome portrait which hangs in the corridor just outside the Senate chamber, bolted from the Democratic party over this issue and joined the Whigs.[11]

That old Jacksonian, Thomas Hart Benton, commented on the uniting of "Mr. Clay, Mr. Calhoun, and Mr. Webster . . . with all their friends, and the Bank of the United States," against General Jackson. In a very shrewd analysis, Benton wrote that "public men continue to attack their adversaries in power, and oppose their measures, while having private griefs of their own to redress, and personal ends of their own to accomplish." Henry Clay, Benton pointed out, was responding to his defeat in the last presidential election by Jackson. Calhoun was still quarreling with the president over Jackson's discovery that Calhoun had sided against his raid of Florida during the Monroe administration. "Their movements all took a personal and vindictive, instead of a legislative and remedial, nature." [12]

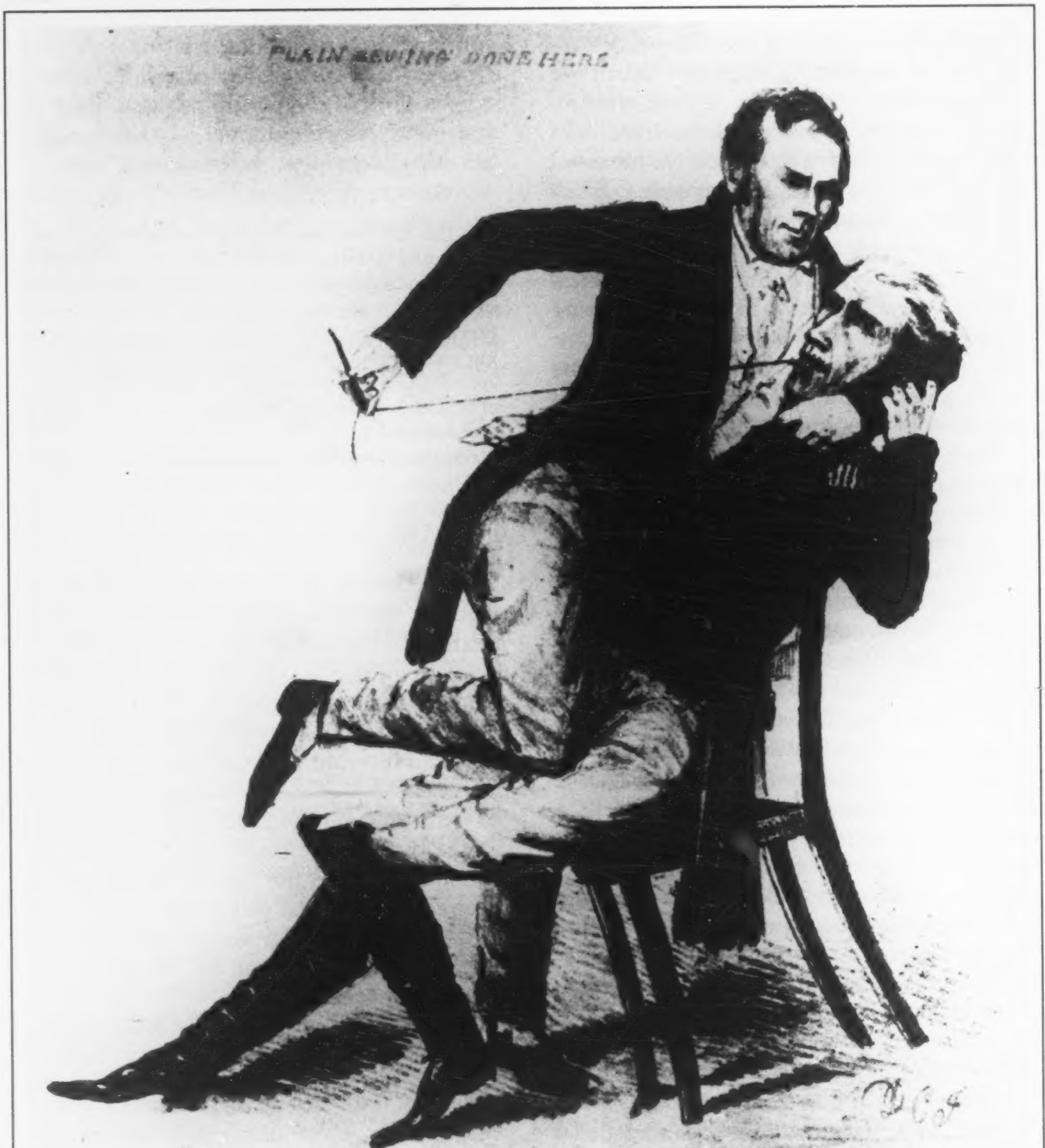
Benton did not add Daniel Webster to this list, but we know that Webster also had "personal ends" to accomplish. At the very time that Senator Webster was chairing the Finance Committee and leading the struggle against Jackson's bank plans, Webster was under retainer to the Bank of the United States! In a letter to Nicholas Biddle on December 21, 1833, Webster reminded Biddle that his retainer had not been "renewed, or *refreshed,* as usual. If it is wished that my relation to the Bank should be continued, it may be well to send me the usual retainer." This surely was one of the most egregious breaches of ethics in the history of the Senate, and one which will ever stain the reputation of Daniel Webster.

There was, indeed, a strange paradox about Daniel Webster—the "Godlike Daniel," whose speeches schoolboys of the nineteenth century memorized, whose prodigious efforts helped hold this nation together in the perilous years before the great Civil War; and "Black Dan," whose personal weaknesses, particularly over money, kept him from the presidency he sought. The two sides of Daniel Webster have been admirably presented in Irving Bartlett's recent biography, *Daniel Webster,* and in Senator John F. Kennedy's stirring book, *Profiles in Courage.*[13]

As Clay, Calhoun, and Webster flailed at Jackson, and Benton and other Democrats stood in his defense, another figure—a surrogate for the president—watched the scene with some bemusement. This was Vice President Martin Van Buren, the "Little Magician," who had helped put together the Democratic coalition which elected Jackson, and who had succeeded Calhoun in the vice-presidential chair. Jackson, in his second term, was an old and ill man, who, at that point, was unlikely to run for a third term. Van Buren was then his probable successor, and Henry Clay went out of his way to draw Van Buren into the fray. At one point during the debate over Jackson's censure, Clay rose in the Senate and addressed himself directly to Van Buren, the presiding officer. Clay urged Van Buren to intercede with Jackson to persuade him to "abandon his fatal experiment."

"Go to him," Clay implored, "and tell him, without exaggeration, but in the language of truth and sincerity, the actual condition of his bleeding country. Tell him it is nearly ruined and undone by the measures which he has been induced to put in operation." Clay was playing to the galleries—both those present in the Senate chamber and those who would read his speech reprinted in their newspapers. Indeed, there were loud sobbings heard from the ladies in the galleries by the time Clay had finished. We may assume that his object was to tie Van Buren more closely in the public's mind to Jackson's antibank activities and to have him share the blame for the existing economic crisis. Van Buren, clever politician that he was, clearly recognized what Clay was up to. According to Senator Benton's *Thirty Years' View,* Van Buren "maintained the utmost decorum of countenance, looking respectfully, and even innocently at the speaker, all the while, as if treasuring up every word he said to be faithfully repeated to the President." But when Clay had finished, Van Buren motioned to another senator to take his seat as presiding officer. The vice president then approached Senator Clay, but, instead of responding to his oratory, Van Buren merely asked for a pinch of Clay's fine maccaboy snuff and, having taken it, turned and nonchalantly walked away.[14]

Finally, on Friday, March 28, 1834, the Senate was ready to vote on Clay's resolutions. Former President Adams, viewing the scene from the House, was greatly opposed to the censure of his nemesis and successor, Andrew Jackson, and lobbied with friends in the Senate against it. However, he noted, they voted for the censure "under the domineering influence of Mr. Clay."[15] By a vote


PLAIN SEWING DONE HERE
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'SYMPTOMS OF A LOCKED JAW

Clay's leadership effort to censure Jackson inspired this imaginative cartoon by David Johnston, 1834.

Library of Congress

of 28 to 18, the Senate found the reasons given by the secretary of the treasury for removal of government funds from the bank to be unsatisfactory. Then, by a vote of 26 to 20, the United States Senate resolved that "the President, in the last executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." Clay, Calhoun, and Webster all voted in favor of censuring President Andrew Jackson.[16]

Senator Benton found this resolution to be "nothing but an empty fulmination—a mere personal censure—having no relation to any business or proceeding in the Senate." From the moment of its passage, Senator Benton vowed not only to repeal the offensive resolution but also to have it stricken from the *Senate Journal.* Vowing to keep the matter alive, Benton would bring the motion up at the start of each session of Congress.[17]

For his part, President Jackson rejected the resolution as illegal and unconstitutional and refused to accept its rebuke or allow it to change his policies. On April 17, he sent the Senate a lengthy protest, filling ten pages of the *Register of Debates*. The Constitution, said Jackson, provided for the possible impeachment of a president by the House and conviction by the Senate, but not for his censure by a single body of Congress. "The resolution in question was introduced, discussed, and passed, not as a joint, but as a separate resolution," Jackson's protest went on. "It asserts no legislative power; proposes no legislative action; and neither possesses the form nor any of the attributes of a legislative measure." [18] After defending his policies concerning the bank, Jackson concluded, "The resolution of the Senate contains an imputation upon my private as well as upon my public character; and as it must stand forever on their Journals, I cannot close this substitute for that defence which I have not been allowed to present in the ordinary form, without remarking, that I have lived in vain, if it be necessary to enter into a formal vindication of my character and purposes from such an imputation." Jackson scoffed at the charge that he was motivated by ambition:

> No; the ambition which leads me on, is an anxious desire and a fixed determination, to return to the people, unimpaired, the sacred trust they have confided to my charge—to heal the wounds of the constitution and preserve it from further violation; to persuade my countrymen, so far as I may, that it is not in a splendid Government, supported by powerful monopolies and aristocratical establishments, that they will find happiness, or their liberties protection, but in a plain system, void of pomp—protecting all, and granting favors to none—dispensing its blessings like the dews of heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce. [19]

Immediately after Jackson's protest was read to the Senate, Senator George Poindexter of Mississippi stood up indignantly to denounce the message and to move that the Senate refuse to receive it. Thus, while one may find Jackson's protest in the *Register of Debates,* a forerunner of the *Congressional Record,* the *Senate Journal* merely states: "A message, in writing, from the President of the United States by Mr. Donelson, his Secretary, was communicated to the Senate; which, having been read, A motion was made by Mr. Poindexter that the paper be not received; and, after debate, On motion by Mr. Leigh, The Senate adjourned."

Four days later, the Senate again debated Poindexter's motion. On this occasion, it voted to reject the message on the grounds that the president

> assumes powers in relation to the Senate not authorized by the constitution, and calculated in its consequences to destroy that harmony which ought to exist between the co-ordinate departments of the General Government, to interfere with the Senate in the discharge of its duties, to degrade it in the public opinion, and, finally, to destroy its independence, by subjecting

> its rights and duties to the determination and control of the Chief Magistrate.[20]

I think it is safe to say that never before in the history of the United States had relations between the president and the Senate sunk to such depths. Perhaps only during the impeachment trial of President Andrew Johnson, thirty-four years later, were executive-legislative relations strained to such a point of total alienation.

The House of Representatives with its solid Democratic majority refused to endorse the Senate's censure of the president, nor would it support Clay's motion to restore government deposits to the bank. The congressional elections of 1834 also demonstrated that Henry Clay had misread the American mood. Instead of rallying to the support of the Whigs and driving the Jacksonians from power, the voters increased the Democratic margin in the House to 145 to 98. The Whigs also lost their majority in the Senate, with only 25 senators to the Democrats' 27. Even more significantly, several state legislatures which had elected Whig senators switched to Democratic control. These legislatures now voted to instruct their senators to vote to expunge the censure resolution from the *Senate Journal.* This matter of instruction proved embarrassing to a number of Whigs who endorsed instruction as a matter of principle but who could not bring themselves to vote in Jackson's favor under any circumstance.

It is important to remember that United States senators in the nineteenth century, and until the Seventeenth Amendment was ratified in 1913, were elected by state legislatures rather than directly by the people. Having appointed their senators, many of these legislatures then felt they had a right to instruct them how to vote on certain issues. Some senators rejected the right of instruction on the grounds that their offices were created by the federal Constitution and, therefore, not controlled by the state governments. The states, particularly those in the South, argued, in the words of the Virginia legislature, that "the people are acknowledged to be the only legitimate source of all legislation," and that instruction was the essence of representative government.[21]

The North Carolina legislature instructed its senators to vote to expunge the censure resolution, but Whig Senator Willie Mangum refused to comply with their instructions. The Virginia legislature also instructed its two senators, but William C. Rives and John Tyler resigned rather than comply. Tyler—a future president of the United States—felt he had no other choice but to resign, since his first political action had been to vote to censure Senator William Branch Giles for failing to follow the Virginia legislature's instructions. Tyler could not reverse himself now in good conscience.[22] After Senator Rives resigned, the Virginia legislature elected Benjamin Watkins Leigh in his place. Leigh had been the principal author of the Virginia claim to instruct its senators, but, ironically, he also strongly opposed tampering with the *Senate Journal.* Leigh then informed the legislature that he would not obey their instruction because he believed expunging the *Journal* to be unconstitutional; however, after he stood his ground on this issue, he resigned from the Senate a few months later.

Today, Mr. President, Benjamin Leigh is a little known United States senator from a distant past. We gain a colorful word picture of the man from an account by an eyewitness, Henry A. Wise. In his book, *Seven Decades of the Union,* Wise described Senator Leigh's attack upon Thomas Hart Benton and his expunging resolution in a Senate speech which ended with the words, "And Mr. President, in that catechism which I learned at my mother's knee, I was taught 'to keep—to keep—to keep' my hands from picking and stealing, and my tongue from evil speaking!" Wrote Wise:

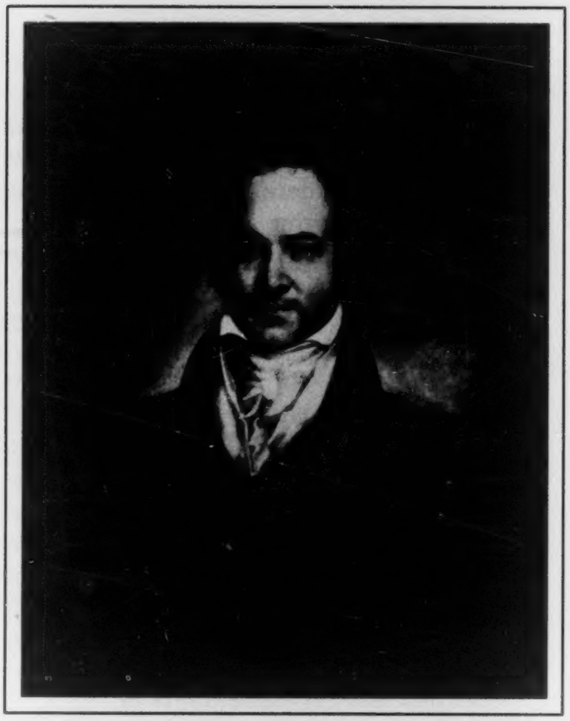
> He was not a vehement orator in tone, but he was most earnest in utterance and manner. He had a soft, clear, flutelike voice, but it was not loud. . . . He was a small man, yet in speaking seemed large, so elevated was he by his theme, and so gallant and game was his mien. He was lame, one leg shortened, and wore a cork sole on one of his boots. When about to be emphatic, he usually caught his left wrist in his right hand and sank back on his lame leg, pausing to poise himself, and, as he rose to the climax of what he was about to utter, would bear upon his sound leg and rise on it with his hands free.

Thus, when Leigh launched into his attack on Benton, he dropped back on his lame leg, took his left wrist in his right hand, and gazed intensely at Benton.

Senator Leigh began low, uttered softly as far as the words "my mother's knee," raised his voice at the words "I learned," and, pronouncing the words "to keep" three times, each time louder and louder, he rose upon his sound leg, loosed his wrist, and putting forward both hands, exclaimed, "My hands from picking and stealing, and my tongue from *evil speaking.*"

According to Wise, a pin could have been heard to drop on the floor as Leigh spoke. Senator Benton sat back looking towards the wall, swinging his leg over his chair, and avoiding Leigh's glare.[23]

With the Democrats in the majority in the Senate during the Twenty-fourth Congress, Benton was determined to have his way and strike out the censure of Jackson. This was not strictly a pro- or anti-Jackson issue. Some senators opposed any changes made to the *Senate Journal* for any reason. Benton had lost a chance to expunge the *Journal* in 1835, when some Whig senators tried to soften his resolution to "rescind, reverse, make null and void" the censure rather than actually to remove it from the *Journal.* Benton had reluctantly gone along with his colleagues at first, but then Daniel Webster had risen to crow, "Men may change, opinions may change, power may change, but, thanks to the firmness of the Senate, the records of this body do not change." Webster charged that Benton had attempted to falsify the record, and moved to have Benton's resolution tabled, which the Senate did by a vote of 27 to 20. Immediately, Benton was on his feet. "The exulting speech of Mr. Webster restored me to my courage—made a man of me again," Benton later reported. He submitted his resolution anew and once again pressed for ridding the record of the censure.[24]



Senator Benjamin Leigh of Virginia argued bitterly with Senator Benton over the issue of tampering with the *Senate Journal.* *Virginia Historical Society*

Benton's long fight ended at the conclusion of the second session of the Twenty-fourth Congress in 1837. On Saturday evening, January 14, 1837, the Democratic members of the Senate caucused at a Washington restaurant. Martin Van Buren had been elected president in November, defeating the primary Whig candidate, William Henry Harrison. Van Buren would be inaugurated on March 4. An old and ill Andrew Jackson was preparing to leave the White House to return to the Hermitage in Tennessee, and the Senate Democrats were determined that Old Hickory should not retire with the blot of censure upon his name. Their meeting that night, Benton reported, had an "air of convivial entertainment." Around midnight, they decided upon a method of procedure. An oblong block of black lines would be drawn around the original censure in the *Journal* with the words: "Expunged by order of the Senate." Each Democratic senator then pledged himself to support it, and agreed that there would be no adjournment of the Senate after the resolution was introduced until it was passed. Expecting a long and arduous session, the Democrats gave orders to have an ample supply of cold ham, turkey, beef, pickles, wines, and cups of hot coffee ready in a committee room off the Senate floor to last them through the debate.[25]

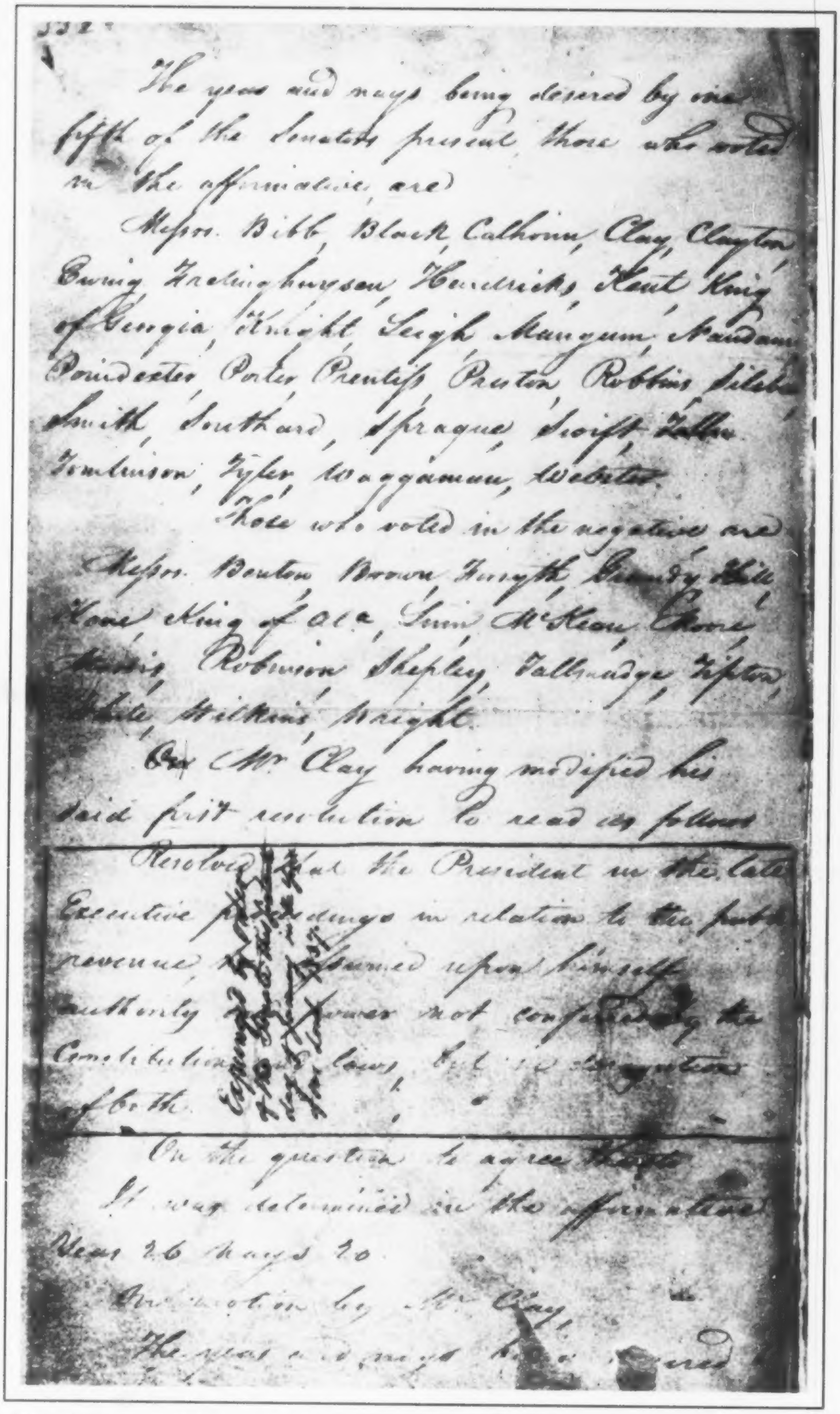
As could be expected, Clay, Calhoun, and Webster all spoke out against the measure. Webster reminded the Senate of its constitutional duty to keep a journal and insisted that "a record which is *expunged,* is not a record which is *kept,* any more than a record which is *destroyed* can be a record which is *preserved.*" [26] Despite Webster's eloquence and his vehemence, the Democrats would not be moved. Democratic senators, knowing they had the votes to win, came and went from the Senate chamber during the proceedings, helping themselves to the feast they provided in the nearby committee room and inviting their Whig colleagues to join them. The Whigs, it appears, had lost their appetites.

By the time Webster had finished speaking, it was near midnight. "The dense masses which filled every inch of the room in the lobbies and the galleries remained immovable," wrote Benton. "No one went out: no one could get in. The floor of the Senate was crammed with privileged persons, and it seemed that all Congress was there." [27] When Benton called for the yeas and nays, the vote was 24 to 19 to expunge the record.

This was Benton's great moment of triumph, and he arose from his seat to accept congratulations from those about him on the Senate floor. The mood of the Whigs and bank supporters was grim, and the situation in the chamber was tense. Fearing for Benton's life, his colleague from Missouri, Lewis Linn, had brought pistols into the chamber to protect him. Benton's wife, also alarmed, stood at her husband's side, but the ebullient Benton pressed his way through the crowd. As Henry Wise, one of Benton's Whig opponents, watched, Benton "was boisterously moving from man to man, reaching out his hand, until he came to the Honorable Balie Peyton, of Tennessee, who waited his expected offer of a touch with such a countenance of contempt and detestation that he shrunk back, desisting from his gasconading, and resumed his seat." [28]

The *Senate Journal* for the Twenty-third Congress was carried into the Senate chamber and placed on the desk of the secretary of the Senate, Asbury Dickens, just in front of the presiding officer's desk. According to Henry Wise, the book

> seemed to resist the opening, the back was stiff, and it shut together again, until pressed open wide, and the pages so held as to lay upon it the rule by the straight edge of which the black lines were to be drawn. We could not but imagine the book of the journal as resisting the violation. It seemed like a living victim on the altar of sacrifice, and the scratch of the pen alone was heard in the awful silence which prevailed when the gall of party bitterness drew its lines in the blackness of darkness around the freedom and independence of the Senate.[29]



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The yeas and nays being desired by one fifth of the Senators present, those who voted in the affirmative, are

Messrs. Bibb, Black, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, King of Georgia, Knight, Leigh, Mangum, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, ~~Talln~~ Tomlinson, Tyler, Waggaman, Webster.

Those who voted in the negative are

Messrs. Benton, Brown, Forsyth, Grundy, Hill, Kane, King of Ala., Linn, McKean, Moore, Morris, Robinson, Shepley, Tallmadge, Tipton, White, Wilkins, Wright.

On Mr Clay having modified his said first resolution to read as follows

~~Resolved, That the President in the late Executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.~~

Expunged by order of the Senate this 16th day of January 1837

On the question to agree thereto

It was determined in the affirmative Yeas 26 Nays 20

On motion by Mr Clay

The yeas and nays having been desired

On this page of the *Senate Journal,* lines were drawn expunging Jackson's censure. *National Archives*

Henry Wise, of course, was grossly exaggerating, but his words give testament to the bitterness the Whigs felt about the incident, which symbolized their defeat in the bank war, in the struggle with Jackson, and in the presidential election of 1836.

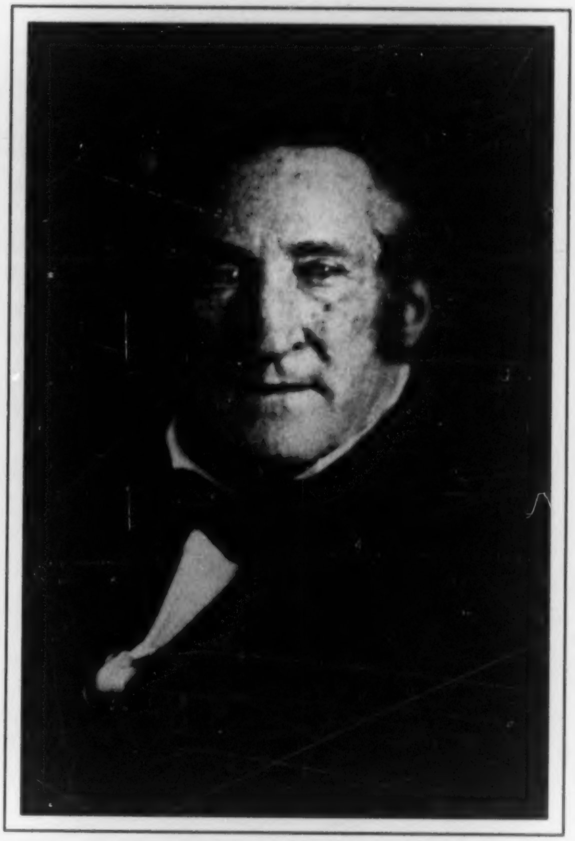
No sooner had Secretary Dickens carried out the act, drawn the lines, and expunged the censure, than the Senate chamber was thrown into turmoil and uproar. The *Register of Debates* records that "hisses, loud and repeated, were heard from various parts of the gallery." Senator William R. King of Alabama, then serving as presiding officer, ordered that the galleries be cleared; but Senator Benton wanted his supporters in the galleries to witness his triumph and asked that they be permitted to remain while the "ruffians" who had caused the disturbance should be ejected. Benton pointed to a man in the gallery who had "cried aloud some disorderly response" and ordered the sergeant at arms to seize him. "Here is one just above me, that may easily be identified—the bank ruffian!"

Senator King revoked his order to clear the galleries, and had the sergeant at arms, John Shackford, bring forth a tall, well-dressed man in a black overcoat who seemed to be the ringleader among the hecklers in the galleries. After the man was brought to the well of the Senate, Senator Benton then said that "as the individual [has] been taken from among the respectable audience in the gallery, and [has] been presented in this public manner, with all eyes fixed upon him, he [has] perhaps been sufficiently punished in his feelings." Benton then moved to discharge the man from custody, but several Whigs insisted that the man be permitted to speak in his own defense. "A citizen [has] been brought to the bar of the Senate," said Senator Thomas Morris of Ohio, "and not informed for what reason, nor of what offence he stood charged; and now it [is] moved that, without a hearing, he be discharged from custody. Call you this the justice of the Senate of the United States?" Senator King in the chair, however, pointed out that the man had been charged with disorderly conduct in the presence of the Senate, and that the Senate had the right to protect itself through summary proceedings against such disruptions "on the evidence of its own senses." The *Register* reports at this time that "some confusion prevailed"—as well we might expect it would! The Senate finally took up Benton's motion to discharge the unruly visitor and passed the motion by a vote of 23 to 1. Instead of leaving, the bank supporter advanced to the chair saying, "Mr. President, am I not to be permitted to speak in my own defence?" The presiding officer had lost all patience by that time and shouted to the sergeant at arms, "Take him out!" [30] The Senate then adjourned after this momentous and tumultuous session. No one who was present would ever forget it.

Throughout these proceedings, Henry Clay had been ostentatiously dressed entirely in black to mark his mourning for the Constitution of the United States. Clay went so far as to refuse a pinch of snuff to one of the Democratic senators who was planning to vote to expunge, a breach of senatorial courtesy that was rare for the Kentucky gentleman. Outside the Capitol, Senators Clay and Benton came face to face. The two men were political enemies but personal friends and were even related by marriage. On the street, they vented their steam in verbal abuse on each other until they calmed down. Senator Benton insisted on seeing Henry Clay home and then stayed in conversation until three in the morning.[31]

The next day, Thomas Hart Benton's son John arrived at the White House with a present for President Jackson: the pen which had stricken his censure from the *Senate Journal*. Needless to say, Jackson was delighted and deeply touched. He kept the pen as a fond remembrance of his triumph and, in his last will and testament, bequeathed the pen back to Benton "as an evidence of my high regard, and exalted opinion of your talents, virtue, and Patriotism." A few weeks later, Jackson gave a grand dinner at the White House for the "expungers" and their wives. Being too ill to attend the festivities for more than a short while, Jackson sat Thomas Hart Benton, the "head-expunger," in his chair at the head of the table.[32]

While Benton and the Democrats celebrated, Clay and the Whigs mourned their loss. "The Senate is no longer a place for any decent man," Henry Clay complained. His weariness in battle was also evident in another letter he wrote at what was to be the midpoint in a forty-year career in the House and Senate, "I am truly sick of Congress." Clay, of course, did not abandon his career and, indeed, was reelected to the Senate by the Kentucky state legislature in 1837. But he had suffered a long string of defeats: in his presidential campaign against Jackson; in the bank war; and in his other legislative proposals for the sale of public lands, internal improvements, and a protective tariff.[33]


Senator Thomas Hart Benton fought to expunge Jackson's censure. *Library of Congress*

Mr. President, having recounted the story of the Senate's censure of President Jackson and of Thomas Hart Benton's triumphant expunging of that censure from the *Journal,* I think it only fitting to conclude my remarks with a few words about the remarkable Henry Clay and the Whig party which he built and with which his name was so closely associated. The Whigs are not well remembered in American history. They lasted less than thirty years and were perhaps the unluckiest political party in our nation's history. Although they often controlled one or both houses of Congress, they elected only two presidents: William Henry Harrison and Zachary Taylor, both of whom died early in their presidential terms. The party which could boast of such giants as Clay, Calhoun, and Webster could elect none of them president, despite the prodigious efforts of all three of those men to achieve that honor.

Some historians, notably Henry Adams, have dismissed the Whig party for being "feeble in ideas," but this is an unfair assessment of the party which rallied around Henry Clay's American System. The Whigs represented the new commercial and industrial interests of early nineteenth century America. While they opposed a strong presidency, they were not opposed to an active federal government. Indeed, during the panic of 1837, we find the Jacksonian president, Martin Van Buren, complaining that the people "looked to the government for too much," and the Whig senator, Henry Clay, responding that the people were "entitled to the protecting care of a paternal government." The Whigs thought of themselves as the moral party. Many Whigs were leaders in movements for temperance, public education, the abolition of slavery, and other social reforms. Senator Clay once introduced a resolution for a day of national "humiliation and prayer" in response to a cholera epidemic, but the Jacksonians in the Senate blocked the resolution on the grounds that it violated the separation of church and state.

There is obviously much to admire in the programs and principles of the Whig party, but we must balance this with the observation that the Whigs tended to be the party of big business and of the more aristocratic forces in American society. Clay's protective tariff would protect mostly the textile manufacturers of New England and the large plantations of the South which supplied their cotton; so also the Bank of the United States and internal improvements would benefit the producing class first and foremost. In his recent book, *The Political Culture of the American Whigs,* Professor Daniel Walker Howe of the University of California at Los Angeles noted that "Whig policies did not have the object of redistributing wealth or diminishing the influence of the privileged. . . . For all their innovations in economic policy, the Whigs usually thought of themselves as conservatives." [34] Thus, while the Whigs represented the dominant groups in society, they failed to become the dominant party. They lost critical elections to the Jacksonian Democrats who had become more clearly identified with labor, small farmers, immigrants, and the common folk.

Mr. President, the Whig party, which was born in its opposition to President Andrew Jackson and his bank policies, came together first in the efforts of the United States Senate to censure Jackson. The Whigs lasted almost another thirty years, during which time its leaders struggled gallantly to hold this nation together against sectional tensions and powerful forces of disunity. When the Whig party finally collapsed, it contributed to a major realignment in American politics and to the coming of the Civil War. But the events of this period between the birth and demise of the Whig party will be the subjects of later addresses in this series. These were the turbulent years when the Senate would grow, in the words of the commemorative booklet on the old Senate chamber, "from a small council to the primary forum for the great national debates of the mid-nineteenth century." [35]

CHAPTER 9

Boom and Bust, Slavery and France 1833–1840

December 3, 1982

Mr. President, it is hard to imagine that there could have been issues under consideration in the Senate during the Twenty-third and Twenty-fourth congresses as monumental as the censure of President Jackson and the equally dramatic expunging of the censure. But a host of other matters engaged the Senate, demanding its close attention. Major crises arose during Andrew Jackson's second term and the four years that followed under his political heir, Martin Van Buren. They involved troubles with France and Texas; a serious financial panic that sent businessmen and farmers reeling in all sections of the country; and problems with the treasury, set in motion over the issue of the Bank of the United States. These and the slavery issue would require long and intense Senate sessions.

Giants—like Henry Clay of Kentucky, John C. Calhoun of South Carolina, and Daniel Webster of Massachusetts—still strode these halls during this period. I have spoken often of these men and their genius; their quarrels will infuse today's statement as well.

It always helps to make historical figures come alive if we can turn to some of the Senate's fine art work, because, without our even realizing it, these men stare down upon us every day. We have only to step out into the adjacent Reception Room to feel the presence of all three of these Senate giants, peering at us from their medallion portholes.

Each time we enter this chamber through the main corridor, we also must pass muster before the keen eyes of this triumvirate. Senators, next time, before opening the swinging doors, glance to the right toward the Democratic Leader's office, and you will find that Calhoun, looking every bit the Iron Man, with his mane of steely hair; Clay, Harry of the West, looking deceptively benign; and the Magnificent Daniel are watching from their frames high on the east wall. Webster, in fact, also stands guard in all his sartorial splendor over the staircase right outside the President's Room off the Senate

Among the five Senate giants portrayed in the Senate Reception Room are three of the nineteenth century's most prominent senators—*this page and opposite page, left to right,* John C. Calhoun of South Carolina, Henry Clay of Kentucky, and Daniel Webster of Massachusetts.

chamber. Calhoun keeps an even closer eye on us. There he is up there, the last statue on the west wall right where it joins the north wall, scowling above us, filling his niche by virtue of having been a vice president—a most unhappy vice president under Andrew Jackson. These are just some of the likenesses of the men of this era with which we live every day. Keep in mind their stern gaze as you pass before them as they are our senatorial forefathers and surely they are watching us.

In 1833, these men sparred with one another in the old Senate chamber down the hall. In the Senate, the first session of the Twenty-third Congress was totally absorbed with the bitter effort to censure the president for removing federal deposits from the bank. The House, however, had its own moment of drama, which I mention only because it involved a notable former senator whom we have met before in one or more of my earlier statements. Eccentric John Randolph of Roanoke—once the scourge of the Senate—though wracked by illness, had been elected to the House for the Twenty-third Congress. He died, however, on May 24, 1833, before the Congress convened. Shortly after the House next met, Randolph's successor, fifty-two-year-old Thomas Bouldin, arose to announce Randolph's death. He had uttered only a few words when, as the *Register of Debates* reports, Representative Bouldin "swooned, fell, and in a few minutes after expired" on the floor of the House. It was almost as if Nature, herself, had been thrown into perturbation by the final disappearance of so great and untrammeled a natural force as John Randolph once had been.[1]

After the drama of the censure debates, the final days of the Twenty-third Congress were relatively colorless. No Senate session,

Architect of the Capitol

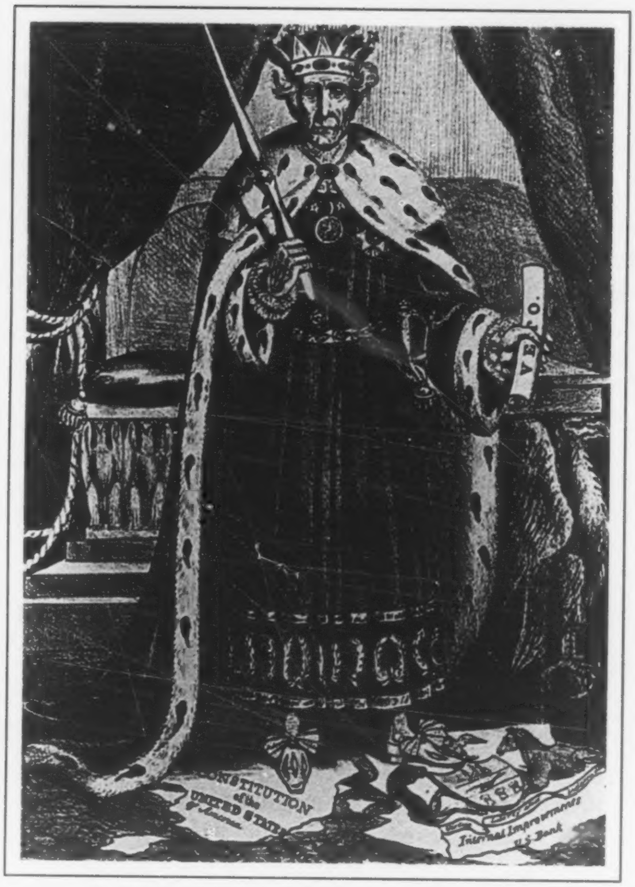
however, with Thomas Hart Benton still smarting over the censure of his friend, President Andrew Jackson, could be entirely lackluster. Earlier in the year, Benton's nemesis, Henry Clay, had demanded from Secretary of the Treasury Roger Taney a full report of the nation's finances. At the time, Clay and his pro-bank cohorts were deluging their Senate colleagues with doleful descriptions of the wrack and ruin brought on by the president's actions, and Clay was certain that the report would back them up. Unfortunately for him, the facts set forth stood in startling contrast to the grim picture he and his followers had painted. Even more unfortunately for Clay, the administration decided that this report to the Senate deserved the greatest possible publicity.

Taney and Benton conferred at the treasury and worked on a speech for Benton to deliver when the report was introduced. As could be expected, the reading of the secretary's report had not proceeded far when an embarrassed Daniel Webster, the bank's staunchest friend, arose to move that further reading be dispensed with and that the report be sent to the Finance Committee. Benton, of course, objected. The report was read, and the Missourian, at his flamboyant best, arose to give his speech.

"Well, the answer comes," he exclaimed. "It is a report to make the patriot heart rejoice! . . . replete with rich information, pregnant with evidences of national prosperity. How is it received—how received by those who called for it? With downcast looks and wordless tongues! A motion is made to stop the reading!" He went on, ". . . a pit was dug for Mr. Taney; the diggers of the pit have fallen into it; the fault is not his; and the sooner they clamber out, the better for themselves." Regardless of any embarrassment to the conspirators, Benton declared his determination to let the country know that "never, since America had a place among nations, was the prosperity of the country equal to what it is this day!"[2]

At the end of the first session of the Twenty-third Congress, President Jackson, with his customary confidence in the people, set off for the Hermitage and a much needed rest. His friends, however, were not so complacent and had given orders to take nothing in the fall elections for granted. Their purpose was twofold: to at least hold the line in the Senate and to defeat, wherever possible, any senatorial enemies who were candidates for reelection.

These elections in the fall of 1834 were the first in which the opposition to the Jacksonian Democrats would fight under its new party name of Whig. In an earlier statement, I discussed the birth of this new party, essentially an uneasy alliance of old National Republicans, southern States' Righters, bank


VETO
CONSTITUTION of the UNITED STATES of America
Internal Improvements
U.S. Bank

A Whig cartoonist portrayed President Jackson as King Andrew, wielding the power of the veto.
Library of Congress

supporters like Webster, and disgruntled westerners held together by their hatred of "King Andrew." It was John Forsyth, the caustic senator from Georgia whose services as the administration's floor leader had been of immense value, who said, when he learned of the new party's title, "It is a glorious name, and I have no doubt they will disgrace it." [3]

Let us look at a few of these Senate elections where the bank issue still burned, because this was the era of what historian Claude Bowers calls "political hydrophobia," when elections were vicious affairs. The elections in New Jersey and Pennsylvania were held in October, a month before most others, and they brought the Whigs their first shocks. They had rightly expected little success in Pennsylvania, but much was expected from New Jersey where Senator Theodore Frelinghuysen was up for reelection. Frelinghuysen had consistently voted on the side of the bank. When the New Jersey legislature adopted resolutions commending the president's actions and urging its senators to support him too, Frelinghuysen and his colleague, Samuel Southard, chose to ignore them. Frelinghuysen even boasted that he and Southard had "dared to meet the frowns of their constituents," and would not "bow the knee to these instructions." Now, he was before these constituents for reelection. Their verdict was unmistakable. New Jersey swept into the Jackson column with a substantial majority; Frelinghuysen was retired in favor of Democrat Garret Wall.[4]

Two of the most bitter Senate fights that fall were waged in Virginia and Mississippi. Virginia was antibank but also anti-Jackson. The Democrats' strategy was to make the most of the unpopularity of Benjamin Leigh, the Whig candidate. Leigh had been widely disliked since his bitter fight in the state constitutional convention against the extension of the suffrage. He was also as strongly for the bank as the voters were against it. Every poll and canvass revealed a majority of the people were against him. But the Whigs pulled off his election in the state legislature, reflecting a flagrant disregard for the will of the people. Newspapers were flooded with resolutions and letters protesting Leigh's victory. The battle from the Democrats' point of view, however, was only half lost, for they were supplied with ammunition proving the Whig's callous disdain for the masses—potent ammunition that they would use to drive both of Virginia's anti-

Jackson senators, Leigh and John Tyler, from office in little more than a year.[5]

In Mississippi, the Jacksonians were determined to prevent the reelection of Senator George Poindexter, once the idol of Mississippi Democrats. Poindexter had turned on Jackson with a virulence scarcely equaled in any old-line Federalist and cast his lot with Clay. With the adjournment of Congress, Poindexter hastened home where the Whigs had planned a series of banquets at which he was to denounce the president. The Democrats, delighted with a slashing and brilliant assault on Poindexter by young lawyer Robert J. Walker, put him up as their candidate. Within a week, Walker was engaged in one of the most spectacular canvasses Mississippi had ever known, stirring up enormous meetings of frenzied Jacksonians. The outcome was the election of Walker—a victory sweet to Jackson, and all the more so since Poindexter had not only supported Clay on the bank, but had also supported Calhoun on nullification.[6]

Thus, the elections of 1834 were more than pleasing to the Democrats and the president. Two of Jackson's strongest senatorial foes, Frelinghuysen and Poindexter, had been swept away because of their opposition, and Leigh, who had been saved by an action in clear defiance of the popular will, would not remain in the Senate for long. The administration's forces were clearly strengthened in the Senate. In the House, Democratic dominance was reduced by eight votes, but that party still held a majority of 46 in the 242-member body.

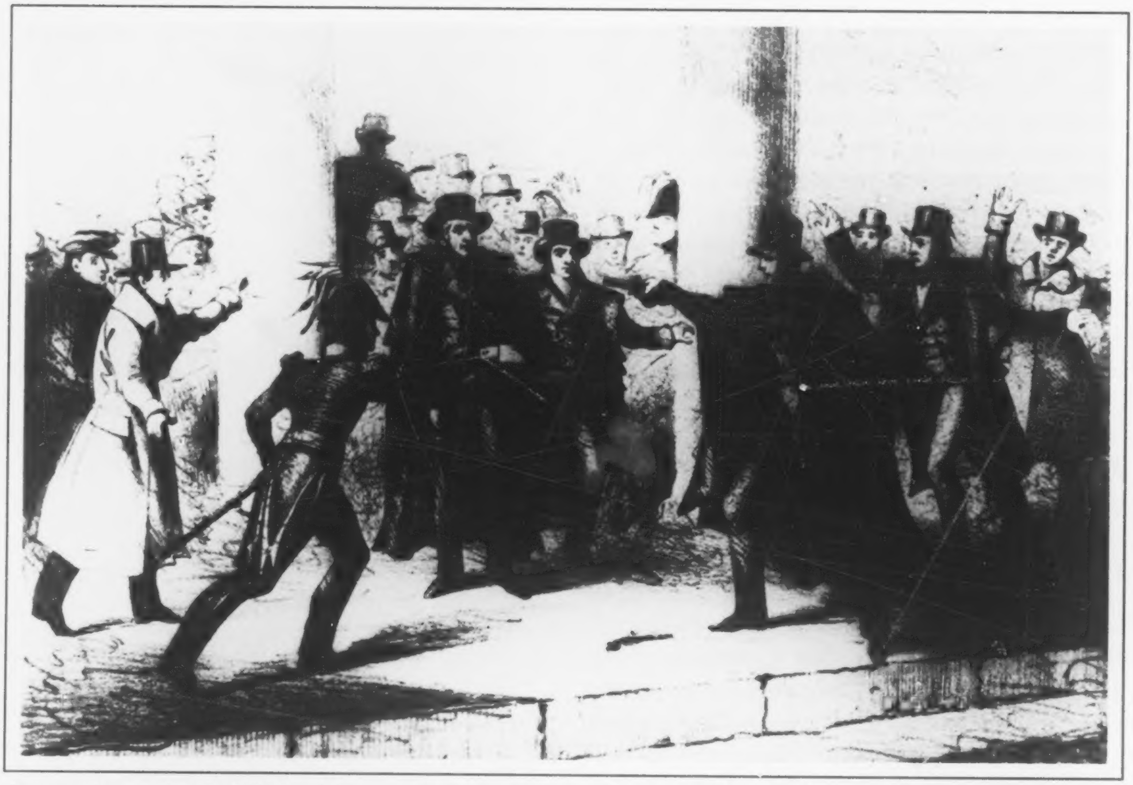
Daniel Webster accepted the verdict of the election as the final statement on the bank issue and, much to the distress and indignation of bank president Nicholas Biddle, announced that he was through with it. Henry Clay, whose own political interests had forced Biddle into making early recharter an issue in the first place, was also glad to dump the bank from his shoulders. Most of their colleagues were ready to join them in abandoning the bank as dead, but one last unfortunate incident at the very end of the Twenty-third Congress proved that the issue was still very much alive.

The event was the attempt on the life of President Jackson at the Capitol on January 30, 1835. No other incident so well illustrates the venomous hatreds engendered by the struggles of the preceding years. Senators, editors, and the president himself were sullied in the aftermath.

Jackson had visited the House chamber to attend funeral services for the late Representative Warren R. Davis of South Carolina. The chaplain's sermon spoke to the fact that life is uncertain, particularly for the aged. "There sat the gray-haired president," wrote English visitor Harriet Martineau, "looking scarcely able to go through this ceremonial." [7] The discourse finished, Jackson filed past the casket and then walked to the Rotunda of the Capitol.

As Jackson entered the Rotunda, a young stranger, his face covered with a thick black beard, stood six feet away. No one noticed him draw a small, bright pistol or aim it at the president, until they heard the shot ring through the stone chamber. Calmly, the man produced another pistol and fired again. Jackson raised his cane and started for his assailant, but an army officer reached him first. The president was unharmed. By some miracle, only the caps of the pistols had exploded, the charges failing to go off.

The assailant was Richard Lawrence, an unemployed house painter, who claimed to be the rightful heir to the British throne and blamed Jackson's opposition to the bank for his difficulty in finding work. When Lawrence was quickly dispatched to a lunatic asylum, partisans on both sides objected to the undramatic disposition of the case. Fran-

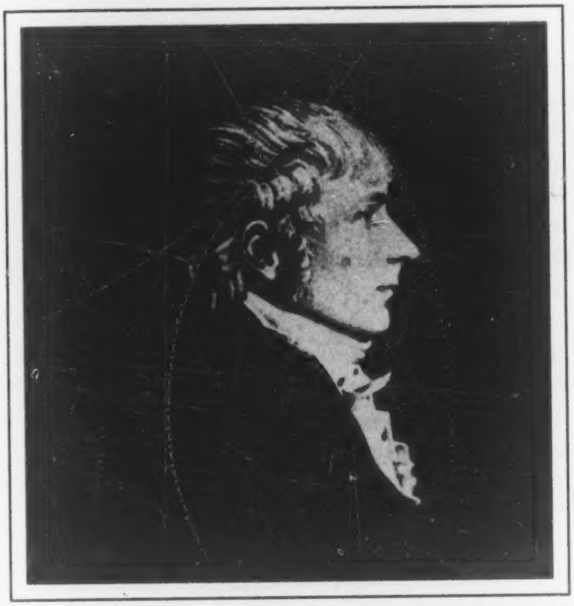


An eyewitness sketched Richard Lawrence's attempt to assassinate President Jackson inside the Capitol Rotunda in 1835. Jackson was the first American president threatened by an assassination attempt. *Library of Congress*

cis Preston Blair, the rabidly Jacksonian editor of the *Washington Globe,* hinted strongly that Lawrence was the tool of Jackson's enemies, and part of a conspiracy. In opposition to that view, Senator John Tyler saw things in an even more sinister light and suggested that the assassination attempt may have been staged for "political effect" by Jackson's own supporters in an effort to create popular sympathy for the president.[8]

Both sides deeply resented any suggestion of complicity or motive in the near tragedy. None could escape the fact that this was the first time an attempt had been made upon the life of a president, and it was a president who had been intemperately denounced as a tyrant, despot, and wrecker of American institutions and liberties. Soon the capital was further shocked by the linking of the name of Senator Poindexter, about to leave the Senate in defeat, with that of the assailant. On the slimmest of evidence, the idea grew in Jackson's mind that his Mississippi enemy had instigated the assassination attempt, and he spoke of his suspicions to many visitors to the White House.

Hearing of Jackson's charges, Poindexter wrote him that he would discredit the reports unless confirmed by the president but that a failure to reply would be accepted as a confirmation. Jackson made no response. To understand the bitterness behind the feud,



During his term in the Senate, George Poindexter of Mississippi feuded bitterly with Jackson.
Library of Congress

let us look a bit more closely at this departing senator.

George Poindexter was a genius and, before his break with Jackson, the idol of all of Mississippi, the leader of the state's Democrats, and its former governor and representative. One who knew him in his early days noted that "his mind was logical and strong; his conception was quick and acute; his powers of combination and application were astonishing; his wit was pointed and caustic, and his sarcasm overwhelming."[9] All of these qualities made him an awesome stump speaker. He had further endeared himself to Mississippians during the War of 1812 with his patriotic appeals for preparation, and, after he had aroused the people to fever heat, his volunteering as an aide to General Jackson. Along the way, it was inevitable that such a charismatic man should make enemies. So unscrupulous were his speeches and so bitter his denunciations of his political enemies that, at one time, a conspiracy was formed to force him into a duel and kill him.

Nowhere in the presidential campaign of 1828 did Jackson receive more ardent support than in Mississippi where his old comrade-at-arms directed his forces. A year after Jackson's inauguration, Poindexter was in the Senate where he was expected to be a loyal supporter. Unfortunately, the feud between the erstwhile friends began almost immediately. Jackson wanted to appoint a Tennessean, a neighbor of the Hermitage, to the land office of Mississippi. Poindexter protested that this patronage belonged to him. Jackson refused to yield. Poindexter prevented the confirmation. Jackson made a recess appointment, and, from then on, the old comrades were at swords' points. Poindexter abandoned not only the president but also all the principles he had previously embraced. He stood with the bank, favored the censure, sided with Clay, and espoused nullification. Had his personal life been irreproachable, Poindexter might have been immune from the barbs of his new enemies, but his domestic relations had become the scandal of Mississippi. He had divorced his wife, denied the paternity of his children, and plunged into a life of reckless dissipation. His indecent remarks about the purity of his former wife drove her family, which was rich and powerful, into the hands of his enemies as well. At the time of Richard Lawrence's attack on the president, Poindexter was preparing not only to leave the Senate but, with his second wife, to leave Mississippi as well.

Despite Poindexter's sullied reputation, no one except Jackson seriously suspected him of conspiring to assassinate the president. In February, only a few days before the expiration of his term and that of the Congress, Poindexter asked the Senate to investigate the charges being made in the White House against him. Three days later, a committee exonerated him from suspicion. Webster asked for the yeas and nays on accepting the committee's verdict; every senator voted yea. No matter what his personal reputation, Poindexter left the Senate with this blot on his record removed.[10]

At the end of the Twenty-third Congress in March 1835, a long-simmering dispute with France came to a head, and its peaceful resolution marked a major victory for Henry Clay over President Jackson.

On July 4, 1831, a treaty had been signed in Paris by which France had agreed to pay 25 million francs for outrages committed upon American commerce during the Napoleonic wars. The payments were supposed to have begun in 1832, and King Louis Philippe was most anxious to carry out the agreement. Unfortunately, the French chambers were less than anxious to make the necessary appropriations. President Jackson waited almost two years, his anger mounting all the while, and then he ordered his secretary of state, John Forsyth, the former senator from Georgia, to call the French minister to the State Department. The minister nervously asked if Forsyth expected a "collision," a diplomatic euphemism for war, over the issue. Forsyth said he wouldn't doubt it. Jackson ordered the navy to prepare for sea duty and wrote a strong message to Congress on the subject.[11]

Congress received Jackson's message on December 2, 1834. It began calmly enough, restating the history of the case, but then it turned belligerent. The United States, he claimed, should insist upon "prompt execution" of the treaty and, in case it be refused or longer delayed, "take redress into our own hands." He recommended that provisions be passed authorizing the seizure of French property for the amount of the debt, in case the next session of the French chambers refused once again to pass the appropriation.[12]

Couriers spurred their horses, and perspiring firemen piled wood beneath the boilers of locomotives and steamboats to speed the message abroad in the nation. A flurry swept the commercial world. Marine insurance companies refused to assume risks resulting from a rupture with France. France recalled its minister.

Jackson's message was sent to the Senate Foreign Relations Committee, of which Clay was the chairman. Clay had not been averse to reprisals against France when he was secretary of state but now viewed the situation with alarm. While political considerations probably influenced him (they were never far from Clay's mind), he seems also to have been sincerely alarmed over the possibility of war. He wrote his son, Henry Clay, Jr.:

> The most engrossing subject of the Session is likely to be the President's Message relative to our French affairs. His rashness, in advising a war-like measure, without waiting for the decision of the French chambers . . . seems to be generally condemned. . . . Irritation begets irritation, and I should not be surprised if, in the sequel, two gallant nations, hitherto entertaining for each other the greatest respect, shall be found unexpectedly engaged in War.
>
> The Senate has placed me at the head of the Com[mittee] of F[oreign] Affairs—the most responsible situation of the Session. I shall endeavor to discharge my duty, but I confess I have less heart than ever to exert myself in public business.[13]

Despite this weary disavowal, Clay appears to have been delighted to have a hand in such an important issue. On January 6, 1835, Clay reported the committee's resolution stating "that it is inexpedient at this time to pass any law vesting in the President authority for making reprisals upon French property" and accompanied it with a report devoid of partisan animus. Clay was gratified that his mild report was accepted without a dissenting vote.[14]

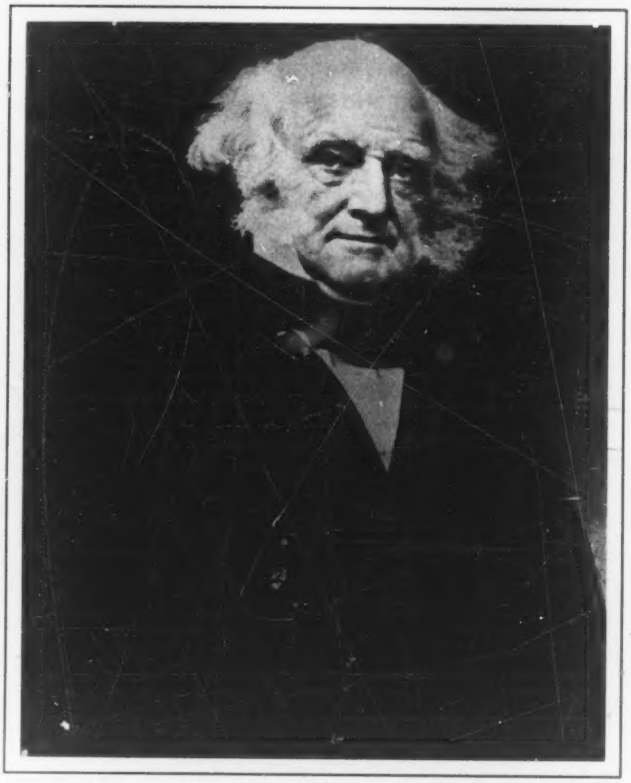
The House was in a far more belligerent mood, however, and went so far as to appropriate $3 million for the president's use in defending the country. When this came to the Senate, a storm predictably broke out. Webster and Calhoun wanted the Senate to disagree. Benjamin Leigh averred that to pass such a bill would be the equivalent of saying "that the President should be made Consul for life, or Emperor of the American people." Silas Wright of New York and James Buchanan of Pennsylvania, on the other hand, painted the horror of a French attack upon our defenseless shores. Calhoun retorted that there was about as much danger of the Capitol's being swallowed by an earthquake before Congress met again! Clay counseled against the measure, and it went down to defeat.[15]

In April 1835, the French chambers finally passed the necessary appropriation, but with a proviso that it not be paid unless some satisfactory explanation could be given for Jackson's harsh language. This only angered Jackson more. He recalled our minister to France and drew up another bellicose message to Congress. Forsyth and Van Buren succeeded in softening his language a bit and worked in a denial of any intention to menace or insult France. At this juncture, England offered mediation to smooth the path, the French professed themselves satisfied, and the long-awaited payments, with interest, began in the spring of 1836.

The crisis was over, and Henry Clay, according to his biographer, Glyndon Van Deusen, felt proud of his unselfish role in averting a costly war. His committee report had been spread abroad in France, where it was taken as evidence that the United States was not bent on a fight, and thus it helped keep open the pathway of negotiation.[16]

From the adjournment of the Twenty-third Congress in March 1835 until the Twenty-fourth Congress convened in December, its members were preoccupied with presidential politics. The struggle for position was desperate and unscrupulous. Within the Democratic party, it eventually pitted President Jackson against another former friend, Hugh Lawson White of Tennessee, who had succeeded Jackson in the Senate when he resigned in 1825. Though obscure today, White was familiarly known to his own generation as the Cato of the Senate. Though he lacked sparkle and magnetism, the purity of his character and his fidelity to duty commanded great respect. His senatorial speeches were noteworthy for their temperate tone—rare in his generation. Always heard with attention, he was attentive to others and was frequently the one listener to other senators' routine speeches. No member of the Senate more impressively looked the part. Tall, slender, and well-proportioned with a broad forehead and deep-set, serious, penetrating blue eyes, he was the embodiment of senatorial dignity. With long gray hair brushed back from his forehead and curling at some length on his shoulders, he appeared every inch the patriarch. This was the man who was to give Jackson, in the election of his successor, his only uneasy hours.[17]

From the beginning of Jackson's first administration, when the president, fearing an early death, had expressed a preference for Van Buren as his successor, the latter had been looked upon as the crown prince. By 1834, it was clear to the White House that the most serious challenge to these plans would come from Hugh Lawson White, considered a renegade from the Jackson camp. The once-close attachment of the president and his Senate successor had cooled perceptibly in the years following the 1829 inauguration. White had become estranged by his old friend's growing intimacy with the new school of practical politics. First, White had drifted into a position as independent supporter of the administration, but, by 1834, his position was one of open hostility.



Martin Van Buren of New York was picked by President Jackson to be his successor.

Library of Congress

By the spring of 1834, White had announced his candidacy for the 1836 Democratic presidential nomination, throwing down the gauntlet to Jackson and Van Buren in Tennessee which became the battleground. Though James K. Polk marshalled the support of his Tennessee newspapers behind Jackson, White embarrassed the president by convincing the state legislature to nominate him (White) for the presidency. But this would be the last of his successes. The Van Buren steamroller would prove too powerful for the renegade White or any other upstart Democrat for that matter.

When the Twenty-fourth Congress convened in December 1835, the slavery issue reemerged with renewed vehemence. The establishment in 1831 of William Lloyd Garrison's *Liberator* in Boston had revived the abolition movement, which got another boost in 1833 when Great Britain emancipated her West Indian slaves. At the opening of the new Congress, its members were apprehensive because of the antislavery and antiabolition riots of the year before. Adding to the turmoil was the American Anti-Slavery Society, which began to deluge the South with abolitionist circulars calculated to arouse the slaves to insurrection.

It was specifically those abolitionist tracts that precipitated the renewed fight in the Senate over slavery in the winter of 1835. In July, the citizens of Charleston, South Carolina, raided the post office, stole and burned a sack of the pamphlets, and informed the postmaster in New York not to forward any more to them or they would suffer the same fate. The New York postmaster laid the matter before Amos Kendall, postmaster general and Jackson's close friend. Kendall expressed his belief that the federal mails could not carry any matter prohibited by state laws, thus opening the door to the wholesale destruction of the incendiary documents. Though Kendall acted without legal authority, he did act with the president's blessing. In his message to Congress that December, Jackson denounced abolitionists as plotters of a civil war with all its horrors and asked that Kendall's *fait accompli* be legalized by the passage of a law prohibiting the circulation of publications intended to incite slaves to insurrection.

The howls from northern liberals against this proposal were loud and immediate, but the proposal was even too drastic for southerners like Calhoun, whose interpretation of the Constitution guaranteed his fiery opposition. To those who accused Calhoun of opposing the measure simply because his enemy, Jackson, supported it, he bitterly replied, "I have too little regard for the opinion of General Jackson and . . . his character, too, to permit his cause to influence me in the slightest degree." [18] Whatever his reasons, Calhoun led the debate that dragged on for months. In the end, the measure went down to defeat with even Henry Clay and Thomas Hart Benton, for once, voting on the same side.

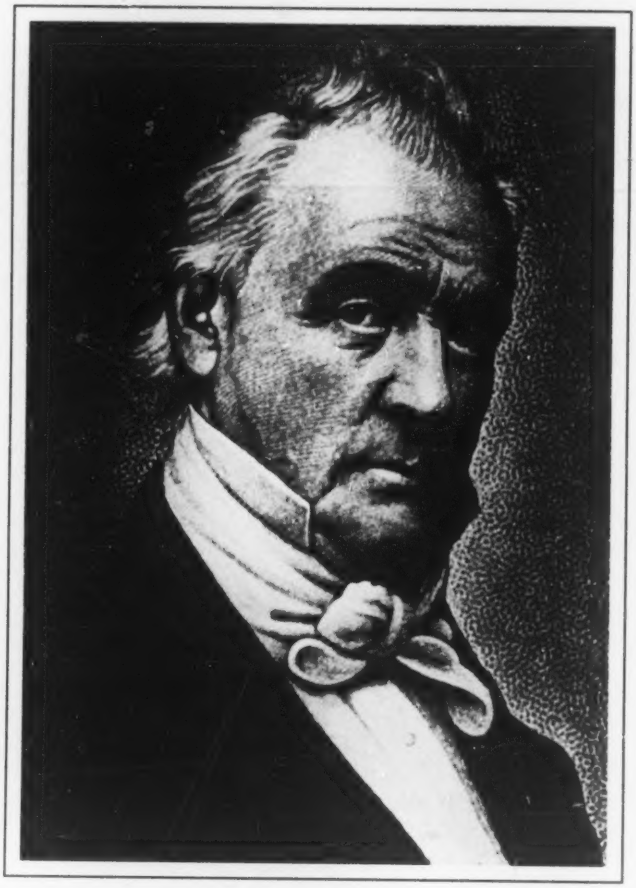
The issue of the mails proved to be only the opening trumpet of the divisive slavery issue before this Congress. It was followed by a chorus of dissent on the issue of abolitionist petitions. The question was not a new one. The usual practice had been to receive the petitions and to table them instantly. But in January 1836, Calhoun decided that he had had enough. When, on January 7, an abolition petition was presented by some Ohio citizens, Calhoun moved that it not be received and supported his motion with such an intemperate speech that even proslavery senators were alarmed. "We must meet the enemy on the frontier—on the question of receiving," he thundered. "We must secure that important pass—it is our Thermopylae." [19]

By 1836, Calhoun was far more than merely the aspiring politician who had feuded with Jackson in 1830. Personal ambition was now increasingly submerged in a cold monomania for South Carolina and for slavery. His friends, like Harriet Martineau, found they could no longer communicate with Calhoun. "He felt," says historian Arthur Schlesinger, "so deeply that he rarely heard argument, so passionately that he never forgot his responsibility." "There is no *relaxation* with him," cried his devoted friend, Representative and later Senator Dixon Lewis of Alabama. He appeared to many to exist in an unimaginable intellectual solitude, his mind committed to his interminable obligation, focusing forever on a single shining point. He was, said Miss Martineau, "the cast-iron man, who looks as if he had never been born, and never could be extinguished." [20]

Colleagues and observers testified that Calhoun was still a startling figure when he rose to speak in the Senate, with eyes burning like live coals in his pale face, hair bristling and erect, skin loose over his prominent bones, words pouring out in a closely reasoned flow. His voice was metallic and harsh, his gestures monotonous; yet, his commanding eye, grim earnestness, and utter integrity held the galleries in anxious attention. When standing in the narrow aisle of the Senate, bracing himself against the desks, he averaged perhaps 180 words a minute of terse and unconquerable argument.

Calhoun was still *the* supreme intelligence among the statesmen of his day. Clay relied on richness and audacity of feeling, Webster on mellifluous rhetoric, Benton on the sheer weight of facts, and all indulged in shameless orgies of verbiage. But Calhoun's speeches were stripped bare, arguing the facts alone with an iron logic. Nourished on Aristotle, Machiavelli, and Burke, he displayed the uncanny ability to cut quickly through to the substance of the issues before the Senate. [21]

This was the man whose proposal for rejecting abolition petitions still hung fire when, four days later, James Buchanan presented a petition even more odious to him. Buchanan stepped forward to offer a memorial from a group of Quakers in Pennsylvania praying for the abolition of slavery in the District of Columbia—an extremely delicate matter because it lay entirely within the power of the Congress to act in this case. Buchanan made it quite clear that he dissented from the opinion which the Quakers expressed but urged that the memorial from his constituents deserved to be received. Calhoun, however, plunged the Senate into a heated two-month debate on whether it should be received at all. [22]



A former Federalist, Pennsylvanian James Buchanan supported Democratic policies in the Senate.
Library of Congress

Calhoun ultimately lost again (though the request contained in the petition was rejected), but the intensity of the debate stirred new fears on both sides and widened the gap between supporters and opponents of slavery. Abolition entreaties had flooded the House as well, but there, efforts like Calhoun's met with more success. The result was the infamous gag rule banning all such petitions, and the beginning of the courageous crusade for free speech by sixty-nine-year-old John Quincy Adams, who, two years after his term as president had ended, returned to Washington to represent Massachusetts in the House of Representatives for the next seventeen years.

I have mentioned James Buchanan several times thus far and would like to take a closer look at the freshman senator from Pennsylvania. Buchanan arrived in the Senate after serving ten years in the House and two years as minister to Russia. During his first four terms in the House, Buchanan had been a Federalist, and many of the Jacksonians, whom he joined in 1828, doubted the sincerity of his conversion to the Democratic faith. During the Twenty-third and Twenty-fourth congresses, however, Buchanan proved himself a loyal Democrat by joining Senators Wright of New York, William King of Alabama, and Benton as defenders of the president in the Senate.

At forty-two, Buchanan was a heavyset bachelor—the only bachelor, in fact, to become president. The story goes that, in 1819, while still a struggling young lawyer, Buchanan had become engaged to a belle whose father was one of this country's first millionaires. A combination of the father's objections, gossip that Buchanan was interested chiefly in her fortune, and the young swain's apparent neglect of his fiancée in favor of clients led to a broken engagement, followed by the young lady's sudden death. Heartbroken, Buchanan resolved to honor her memory by remaining a bachelor for the rest of his days.

Buchanan had a large head and pudgy features. He usually wore a high-collared coat to conceal a neck scar. An eye defect caused him to tilt his head slightly forward and to one side so that he always seemed to be listening intently and with great concern. His oddly cocked head sometimes got him into trouble. As one of his biographers noted, his "mere appearance conveyed so definite an impression of assent and approbation that many people, on early acquaintance, sincerely believed that they had completely captivated James Buchanan and reciprocated by attentions to him which he attributed to traits more complimentary to him than a wry neck." [23]

Still another dimension was added to the increasingly volatile slavery issue in the final days of the Twenty-fourth Congress. Though the question of Texas would chiefly preoccupy future congresses, Calhoun used an early reference to the turmoil in the Southwest to further alienate North and South. (Texas, under the presidency of Sam Houston, friend of both Jackson and Benton, had declared its independence from Mexico after Houston's decisive victory at the Battle of San Jacinto on April 21, 1836.) Calhoun enraged abolitionists and frightened many lukewarm northerners by calling for the immediate annexation of the Texas republic in order to extend the reach of slavery. Though immediately pounced upon by Benton, and though Calhoun's motion lost, a new and troubling dimension had been added to the festering slavery question.

In the midst of this turmoil, the presidential elections had taken place in the fall of 1836 between the first and second sessions of the Twenty-fourth Congress. After all the preelection jockeying, the actual campaign was hardly as exciting as that of 1832. The Whigs were still only a loose coalition and could not choose a single candidate. Instead, various elements selected a number of candidates such as Senators White and Webster, and General William Henry Harrison, with strong followings, hoping to throw the election into the House.

None of these candidates had a chance. The Democrats met in Baltimore and unanimously chose Jackson's handpicked successor, Martin Van Buren. As the results began to come in that fall, it was clear that the Sly Fox would accede to the White House.

Van Buren was content with his victory margin of forty-six electoral votes, and Andrew Jackson, whose long reign was now nearly over, was content as well. He finally had the satisfaction of seeing Senator Benton's annual resolution to expunge the 1834 censure vote of the president succeed at last. Clay, Calhoun, and Webster fought against it to the end, as I noted in my last statement, but the tide of Jackson's popularity had finally engulfed even the Senate.

Andrew Jackson left his protégé, Martin Van Buren, and his other followers with a warning: "Of all things, never once take your eyes off Texas." [24] Both the South and the Southwest would, indeed, prove troublesome in the years to come, but Jackson badly misjudged the real and nearest threat to national stability. The nation was then poised on the brink of financial disaster. Unfortunately, Jackson would have to own up to the fact that his real legacies to his friend Van Buren were the makings of the worst depression in the nation's sixty-year history and a hopeless mire of monetary problems.

The financial bubble that burst during the Twenty-fifth Congress had been building for at least two years. On June 23, 1836, after Nicholas Biddle's Bank of the United States had finally become merely a state bank, the Senate and House had passed the Deposit Act, requiring the secretary of the treasury to select one or more banks in each state and territory to receive federal deposits and perform the services previously provided by the Bank of the United States. The stability of the country's economy, however, had been gravely shaken by the disappearance of the old national bank, and, with government money pouring into a wide variety of local banks, an uncontrolled inflation began.

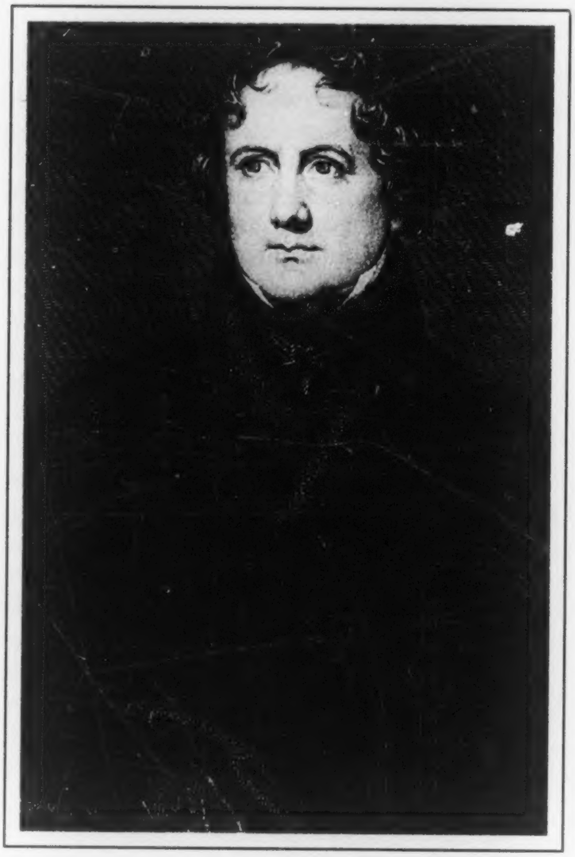
These banks began to issue huge amounts of paper money against the new funds in their vaults, and prices began to skyrocket. Hoping to curb the spiral, Jackson had issued the Specie Circular, drafted for him by Senator Benton, whose hard-money views were soon to win him the name Old Bullion Benton. The Specie Circular announced that, from that point on, to curb the "ruinous extension" of paper money, the government would accept only specie—gold or silver—in payment for public lands.

The circular did burst the inflationary bubble but started, in its place, a financial panic. State banks did not have enough specie to cover the paper money; loans could not be covered; land prices plummeted.

All this had happened while Congress was out of session. When it returned in December 1836, the Senate Whigs put forth a resolution demanding repeal of the circular. By March 1, 1837, that measure had passed both houses, but Jackson, with only three days left in office, used a pocket veto to kill it. Jackson, by the way, was the first president to veto bills of Congress for other than constitutional reasons.

Thus, the stage was set for financial disaster. Eight weeks after Van Buren entered the White House, the panic of 1837 exploded with full fury. On the morning of May 10, 1837, a card was pinned to the door of a New York bank reading simply, "Closed Until Further Notice." By afternoon, New York Whig Philip Hone, watching the gathering mob, heard the screams of trampled women and curses against Jackson and Van Buren.

The panic of 1837 was not a slump of a year's duration. It was the depression of an era. It was not national; it was world-wide. The depression in England drastically lowered the price paid for American cotton, for example. It climaxed the dizziest, fastest, richest boom era the young Republic had ever known. Slowly, the great, evil flood moved over America. It took almost a year for this tide of woe to spread across the southern back country, but, when it did, the ruin was complete. It engulfed the Mississippi delta country, leaving behind a trail of empty plantation houses and barns and crudely lettered signs flapping from trees, "Gone to Texas." It ravaged the country from New Orleans to Cincinnati, where hungry mobs smashed down doors, tore apart furniture, and looted the strongboxes of banks and brokerage offices. Bankruptcies multiplied, unemployment rose, and interest rates mounted. Eight hundred fifty banks were closed; 343 never to reopen again.[25]



Nicholas Biddle, president of the Bank of the United States, clashed with Jackson over its future.
Library of Congress

The cries of the ruined were not long in reaching Washington. Van Buren reluctantly called Congress into session three months early. Henry Clay, like the other Whigs, was convinced that the distress was the result of the Democrats' policies, and, thus, that it was up to the Democrats, not the Whigs, to furnish a program of relief. They expectantly awaited the new president's economic proposals. When the Sly Fox sent his message up to the Hill, he attributed the hard times primarily to undue business expansion, distribution of the surplus, and the drain of gold abroad. Van Buren flatly refused to consider reestablishing a national bank. The main feature of the message was the proposal that the treasury keep its own money in its own hands—the so-called subtreasury or independent treasury plan. Other than this, Van Buren urged the lawmakers to allow the depression to run its course.

Clay and the Senate Whigs pronounced the program barren. Daniel Webster accused the president of "leaving the people to shift for themselves." While many of Van Buren's measures were essential to staunch the flow of money, the Whigs, in a purely partisan move, refused to support them. They took their main stand against the subtreasury bill and were joined by conservative Democrats such as Nathaniel Tallmadge of Van Buren's own state of New York and William Rives of Virginia. But since the regular Democrats still controlled the Senate, they were able, under the leadership of party stalwart Silas Wright, New York's other senator, to beat back the forces of Clay and Webster. The House, however, due to a combination of Whigs and conservative Democrats, voted down the bill and a long struggle began.[26]

Van Buren recommended the subtreasury plan again in his December message to Congress, and, on January 16, 1838, Silas Wright reported it out of the Finance Committee. Few positions had been altered in the interval. Clay pounced on it immediately, blustering that "all the calamities of war with the most potent power on earth would be a blessing compared with the consequences of this measure." By an amazing feat of mental legerdemain, he even claimed that it was dangerous because it centralized power, and that it promoted disunion.[27]

On February 19, Clay spoke for four and a half hours against the bill. This speech included a bitter attack on Calhoun, who, to the surprise of friends and foes alike, had come out in favor of the subtreasury bill. The South Carolinian's Whiggery, it seemed, had been based as much upon his hatred of Andrew Jackson and his hope of dominating the Whig party as it was on principle. Dominating Jackson had proved impossible, and now Calhoun could see that to remain in an uneasy coalition with Clay and Webster would probably mean his own political annihilation. Calhoun's support for the bill signaled his return to the Democratic fold, and the clash between Calhoun and Clay, which followed hard upon Clay's speech, marked the resumption of warfare between the two men.[28]

Despite the vigorous opposition of Clay and Webster, the subtreasury bill again passed the Senate in March 1838 by a vote of 27 to 25, but, in the House, it again went down to defeat. Silas Wright was very depressed. Even in January, the bill's chief defender had complained of "an unusual visitation of hypoc[h]ondria" that he was unable to shake off, and, in August after the session had ended, he wrote: "I have experienced a sort of mental apathy. . . . I have been compelled to devote myself so entirely to the questions now at issue before the country for more than a year that they have become sickening almost to disgust and I find it difficult to rouse myself up to the point of attempting to think upon them." Other administration defenders were as tired as Wright. As James Buchanan said during the spring session, the endless debate had worn the subject "thread-bare," and most of the senators left the chamber whenever the sub-treasury bill was being discussed.[29]

Reintroduced and fought over each year, the Independent Treasury Act finally became law on July 4, 1840, only to be repealed the next year by a legislature dominated by Whigs, and then reinstated by the Democrats in 1846. The scheme established regional subtreasuries with their own vaults, collecting all federal receipts, disbursing all payments in silver and gold, and serving the financial needs of the different sections of the country. It was retained, essentially unchanged, as the organizational basis of the nation's fiscal system until the passage of the Federal Reserve Act in 1913.[30]

Before moving on to the raucous election of 1840 that brought to a close this period in the Senate's history, I would like to pause, as I have occasionally in previous statements, to look at some of the less monumental, but perhaps no less important, events in the Senate's own internal development during this period. For, while major issues were debated, and catastrophes like the panic of 1837 were dissected, bills and resolutions were introduced and rules were adopted and changed that shaped and directed the day-to-day life of the Senate and affected the lives of our predecessors.

Physically, the Senate was growing. Two new states joined the Union during this period, which raised the number of senators from forty-eight to fifty-two. To preserve the delicate balance established in the wake of the Missouri Compromise, Arkansas, a slave state, had been admitted in 1836, followed by Michigan, a free state, in 1837. All four of the new senators turned out to be faithful Democrats, much to the joy of the administration.

The Senate chamber was filling up, not only with senators but also with reporters, the predecessors of our observers in the gallery above. There was a great flurry of activity among the scribblers that made its way into the Senate rules. In earlier statements, I have discussed the opening of the Senate chamber to observers, and the first admittance of designated reporters into its midst to record the Senate's activities in 1802. During the next few years, these reporters and those who had come to join their ranks were seated in the eastern gallery above the presiding officer, and this was the arrangement in 1835.

On February 27, 1835, Senator Alexander Porter of Louisiana introduced a motion that a committee of three be appointed to look into "the expediency of so arranging the seats in the Senate Chamber as will promote the convenience of members, and facilitate the d[i]spatch of public business." Among the eventual recommendations of that committee was the following: "That the Reporters be removed from the eastern gallery, and placed on the floor of the Senate, under the direction of the Secretary." The proposal was approved during the Twenty-fourth Congress, and thus, for the first time, specific provision was made for the press in the Senate's rules.[31]

This was the situation in 1838 when the Senate was considering changes in Rule 47, which listed the persons who might be admitted to the Senate floor. Buried in the changes was the following provision permitting "two reporters for each of the daily papers, and one reporter for each tri-weekly paper published in the City of Washington" to be seated in the chamber.[32] The press, both in Washington and the rest of the country, apparently overlooked this change, which was adopted on the last night of the session in the usual close-of-session rush. It slowly dawned on them that all but the Washington press were to be excluded from the chamber, where, before, many had sat. Rumor had it that the measure had been slipped through by Senator John Niles of Connecticut, who loathed the press.

The out-of-town reporters had mobilized by the second session of the Twenty-fifth

Congress, and they convinced new Senator John Norvell of Michigan to present their memorial, protesting that

> . . . by the rule of the Senate they are deprived of the opportunity and privilege of obtaining information of Congressional proceedings for their respective papers; that the provision of the Senate exclusively furnishing the facilities they ask to city reporters, does not furnish the people of the country with full reports of what takes place until several days after the date of such transactions . . . ; and praying that the Senate may assign them such seats on the floor, or in the galleries, as may enable them to discharge their duties to those whose agents they are.[33]

In January 1839, the committee to which the memorial was referred proposed that the front seats of the eastern gallery be set apart for the out-of-town reporters as well as the local ones. The report generated a debate that runs for almost four pages of the *Congressional Globe* and elicited some rather violent remarks, reported in the third person, from Senator Niles:

> He was somewhat surprised at a proposition that the body should sanction, and in some manner endorse, the vile slanders that issue daily from these letter writers by assigning them seats within the chamber. Who were these persons who styled themselves reporters. Why miserable slanderers, hirelings hanging on to the skirts of literature, earning a miserable subsistence from their vile and dirty misrepresentations of the proceedings here, and many of them writing for both sides. . . . Perhaps no member of that body had been more misrepresented and caricatured than himself by those venal and profligate scribblers, who were sent here to earn a disreputable living by catering to the depraved appetite of the papers they work for. . . .[34]

Apparently, many senators agreed with Senator Niles. His motion to table the memorial finally passed 20 to 17. The reporters were not about to take such insults lying down. Niles and the other supporters of their exclusion were excoriated in editorial after editorial. Here is one example:

> The bitter hostility of such men as Niles to a Free Press is easily accounted for as it tears the Lion's Skin from the Jackass, and distinguishes the braying of that stupid beast from the roar of the Noble Monarch of the Wood.

Again, another sample of their invective:

> . . . then for Doctor NILES of Connecticut. Nature made him an ostler [stableboy]. Chance, and his own roguery made him an United States Senator. . . . Never was fellow meaner than this same Niles who with the fancies of a dolt makes pretensions to the intellect of the most talented man in the country. His manners are bad, and his breeding worse. . . .

Yet another indication of their outrage:

> On Saturday last the poor reporters who had petitioned for a separate seat in the eastern gallery of the Senate, were rowed up Salt River by the locofoco members [radical Democrats], who seemed to be in a terrible fury with the letter writers for not allowing them to have more talent and decency than they possess.[35]

Despite their outrage, here the matter stood at the end of the Twenty-fifth Congress. For the next three years, out-of-town reporters, aided by local journalists, used all sorts of subterfuges to get around this exclusionary rule, but the rule stuck. It was not until 1841, when the Whigs became a majority in the Senate, that the rule would be changed and the doors once again opened to the reporters.

As the 1840 elections approached, the Senate once again became infused with presidential fever. Both Clay and Webster hoped to receive their party's nomination at the Whig Convention in Harrisburg.

Webster was fifty-seven years old in 1839 and had begun to take on the appearance of a venerable statesman. The Webster paunch had become as noticeable as the famous dome and the fierce brows. His step was heavier, his manner even more deliberate. In his customary dress—the black, long-tailed coat with gold buttons and buff-colored vest and pantaloons—he moved through the streets of Washington and Boston like a revolutionary frigate under full sail.[36]

Unlike his rival, Clay, whose feelings were always close to the surface and who was addicted to profane tantrums in times of stress and disappointment, Webster was sanguine, almost glacial, in his ability to accept temporary defeat. As one of his biographers, Irving Bartlett, points out, even before Van Buren's 1837 inauguration, Webster had begun to plan for 1840. In a candid letter to a supporter, he outlined his plans for the next four years. He would leave the Senate for two years. (He did not—agreeing to stay after much imploring by New England businessmen.) During this period he would travel, keep himself before the public, and, at the same time, get his personal financial difficulties under control so that, upon his return to political life, he would not have to divide his efforts between the Senate and his very lucrative law practice. Meanwhile, he reasoned, Van Buren would have revealed enough of the vulnerability of administrative policies to be effectively attacked.[37]

Clay, however, was also busy laying his plans. From the beginning of Van Buren's administration, he, too, had pictured himself as the Little Magician's opponent in 1840. Yearning for the nomination manifested itself in his letters, and, as the summer of 1837 wore on, he discovered prospects of being "again forced into the Presidential arena." It didn't take much forcing. Clay's satisfaction over evidences of support was unconcealed.[38]

As the Van Buren administration wore on, the Senate Whigs saw abundant reason to believe that 1840 would be their year. There was certainly no better time to be in the opposition, they believed, than in periods of financial depression. A Whig victory seemed almost inevitable, but it was not clear what role the two sparring Whig senators would take. Their colleagues looked on with interest as they courteously greeted each other day after day.

To their tremendous disappointment, Clay and Webster were bypassed at the Whig Convention in Harrisburg. Wanting desperately to win, and fearing that both men were too controversial, the Whigs decided to follow the Democrats' example of selecting a military hero. They nominated Ohio's General William Henry Harrison, of the Battle of Tippecanoe and War of 1812 fame, who had served in the Senate from 1825 to 1828. Mourned Clay, "I am the most unfortunate man in the history of parties: always run . . . when sure to be defeated, and now betrayed for a nomination when I, or any one, would be sure of an election." [39] Both Webster and Clay, their own ambitions thwarted, might have had excuse for sulking in their separate tents but neither did so. Both had dreams of leading a Whig-dominated Senate and, like gallant troupers, toured with the grand Whig bandwagon.

The campaign of 1840 was the most ludicrous of any in American history up to that time. The Whigs presented no platform and carefully hid any views Harrison might have had on the issues. Instead, they whipped up an emotional circus, promoting the myth that Harrison, a man of means whose wealthy father had been a signer of the Declaration of Independence from Virginia, had been born in a frontier log cabin and raised on hard cider. They portrayed him as more a man of the people than the effete little man in the White House. As his partisans sang songs like "Tippecanoe and Tyler Too" (John Tyler, recent senator from Virginia, was Harrison's running mate), Harrison overwhelmed Van Buren and the Democrats.

The election of 1840 brought not only the nation's first Whig president, but also Whig majorities in the Senate and House. It inaugurated a decade of national expansion and of increased sectional tensions. This was to be a decade of political warfare, between the Whigs and the Democrats, between the president and the Congress, and, finally, between the North and the South. The principal battleground was to be the floor of the United States Senate, as we shall hear in my next statement.

CHAPTER 10

Expansionism and the Mexican War 1840–1848

February 1, 1983

Mr. President, the story of the United States during the nineteenth century was one of movement and growth. We were an ever-expanding people, drawing immigrants from the restless, the discontented, the needy, and the visionaries of other nations. We were also pushing our frontiers ever westward to the Pacific Ocean. Today, in my continuing series of addresses on the history of the U.S. Senate, I am going to speak about the remarkable decade of the 1840's, when the nation added four new states—Florida, Texas, Iowa, and Wisconsin—and vast new territories in the Northwest and Southwest. Such growth was not without its costs.

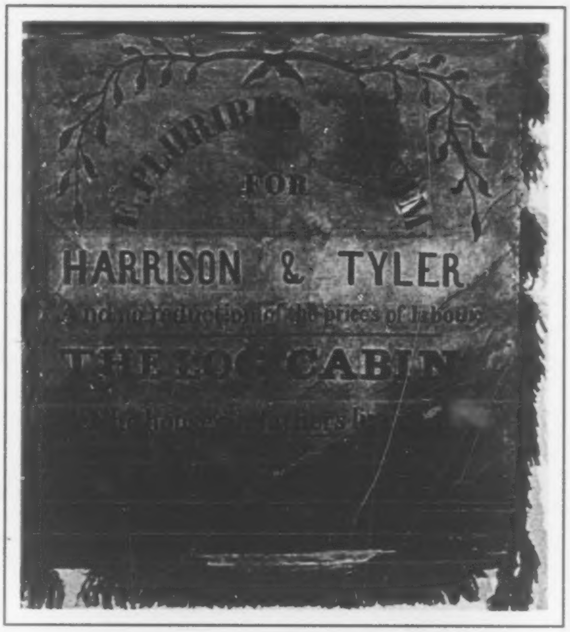
It took long years of negotiations with Great Britain to settle peacefully our boundary disputes with Canada. Our differences with Mexico would only be settled by a bloody war. The expansion movement, known by the slogan Manifest Destiny, presented the political leaders of that era with a disturbing paradox; for, at the same time it increased the size of the nation, it also stimulated sectional divisions. This was a decade of political warfare between the Whigs and the Democrats, between the president and the Congress, and, finally, between the North and the South. The participants in this warfare included those three great senators of the past, Henry Clay, John C. Calhoun, and Daniel Webster; and the battleground was the floor of the United States Senate.

In my last address, I spoke of the election of 1840, still famous as the Tippecanoe and Tyler Too campaign. We remember the election as the first of the modern elections—with its conventions, parades, songs, and slogans—rather than for any particular issues. One reason is that the Whig party did not offer a platform, in the hope of drawing the widest possible vote by appealing to all those opposed to the incumbent Van Buren administration and alienating no one by endorsing any specific program. The irony here is that the Whig party did have a specific program: Henry Clay's American System; perhaps as well conceived a program as any political party has ever offered to the public. But, by not running honestly on this program, the Whig party undermined itself. As we shall see, its choice of Senator John Tyler, a States' Rights Whig from Virginia, as its vice presidential candidate—to carry Virginia's important electoral vote—would eventually doom passage of Clay's program.

Although Senator Henry Clay had been passed over for the Whig nomination in 1840, he had every reason to believe that the new president, William Henry Harrison, would support his legislative program. Democrats, by comparison, were sure that fireworks would soon erupt between Harrison and the equally strong-willed Clay. "Now our fun commences," wrote Democratic Senator William L. Marcy shortly after the election.[1]

President-elect Harrison arrived in Washington in February 1841. The newspaper correspondent Ben: Perley Poore described him as "a tall, thin, careworn old gentleman, with a martial bearing." [2] (Until 1980, Mr. Harrison, at age sixty-eight, had the distinction of being the oldest person ever elected president.) Anticipating some friction with the popular Whig senator, Harrison offered Henry Clay the position of secretary of state in his cabinet. But Clay's own interest was in passing his legislative program, and he declined the offer, recommending, instead, Senator Daniel Webster. Clay also urged that the president call a special session of Congress, so that the Whigs could move ahead quickly to enact their program, particularly the reestablishment of the Bank of the United States. Harrison reluctantly agreed to the special session.

Harmony between the two men, however, was short lived. Senator Clay took offense at the rumored appointment of Edward Curtis to be collector of the port of New York City, the most lucrative patronage job of that era. Since Curtis had led the opposition to Clay's nomination for president in 1840, Clay strenuously protested against his receiving such a reward; nevertheless, Harrison nominated Curtis, and relations between the president and the senator cooled instantly. Clay had made himself so irritating to the new president with his insistence over the Curtis appointment that Harrison tried to keep the senator away. One day, a newspaper correspondent found Clay pacing in his room with a crumpled note in his hand. "And it has come to this!" Clay shouted. "I am civilly but virtually requested not to visit the White House—not to see the President personally, but hereafter only communicate with him in writing!" [3] This was even more of an insult in days when access to the president was much easier and more informal than it is today. Although we may find it hard to believe today, at that time, members of Congress, officeseekers, and the general public had considerable freedom to visit the White House, roam through its rooms, and attempt to see the president.



An 1840 Whig party campaign poster promoted the myth of William Henry Harrison's humble origins.
Smithsonian Institution

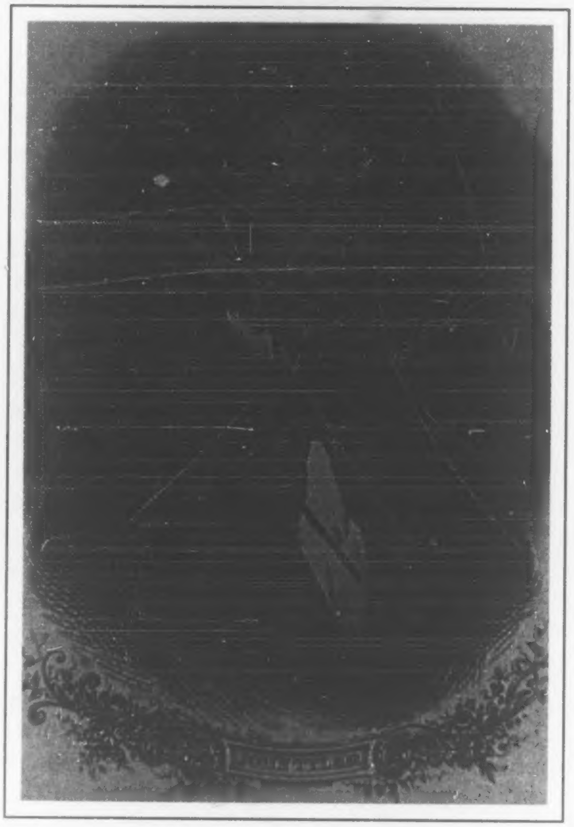
Henry Clay departed from Washington in great anger during the recess of the Congress, but he had every reason to believe that he could pass his program in the coming special session, despite his personal differences with the president. After all, they agreed upon most of the major issues in the American System: a Bank of the United States, higher tariffs, and federal support for internal improvements. But events changed rapidly. One cold spring morning, President Harrison went out to do his own shopping at the market (another sign of the relative informality of that era). Caught in a rain shower, he took ill and, within days, died of pneumonia. Harrison had been president for just one month. Harrison's death was so unexpected that Vice President John Tyler was not even in Washington and had to be summoned from his home in Williamsburg, Virginia.

This was the first time that an American president had died in office, and the cabinet and Senate faced serious questions in establishing precedents. Article II, section 1, of the Constitution merely provides that upon the death or resignation of the president, the duties of that office shall "devolve on the Vice President." Did this mean that the vice president became president in title or was he acting president? Was he entitled to the salary of president (which was twenty-five thousand dollars a year as opposed to five thousand dollars a year for vice president)? The Whig cabinet met and decided that Vice President Tyler should be called "Vice President of the United States, acting President," but John Tyler was determined to take on the full powers and status of the presidency. He would be president in name and in deed. When the Senate met in special session on June 1, 1841, Senator William Allen of Ohio moved to amend the traditional resolution notifying the president that Congress was in session by inserting the words "the Vice President, on whom, by the death of the late President, the powers and duties of the office of President have devolved." Senator Benjamin Tappan, also of Ohio, supported the amendment, arguing that if a colonel were killed in battle, his next in command would take charge of the regiment but would not automatically become a colonel. Senator Robert Walker of Mississippi, however, asked if John Tyler was still vice president, why was he not there in the chamber presiding over the Senate? (Again, in contrast to our current practices, the vice president in those days almost always presided over the Senate.) Obviously, the vice president could not fill two positions. The Senate defeated the amendment by a vote of 8 to 38, thereby recognizing that the vice president had become president of the United States.[4] Still, many people only begrudgingly acknowledged Tyler's claim to the presidency. It was the custom in those days to refer to the president as "His Excellency" (a tradition that lasted until Theodore Roosevelt reached the White House). Tyler's opponents, however, always referred to him as "His Accidency." [5]

With the presidential succession freed from uncertainty, the Congress settled down to the work of enacting the Whig program. Senator Clay became chairman of the Senate Finance Committee in this first session of the Twenty-seventh Congress, from which position he proceeded to introduce bills to repeal the Democrats' independent treasury system and establish the Whigs' national bank. Lined up against Clay in the Senate were such powerful and effective men as John C. Calhoun and Thomas Hart Benton. Calhoun had returned to the Democratic fold and now turned his penetrating intellect upon Clay's program. During one two-hour speech, the reporter of debates was so impressed that he added this editorial comment to the *Congressional Globe* (the earlier version of the *Congressional Record*), "His exposition of the original sin in which this measure has its birth, and the fatal consequences with which it is pregnant, was one of the finest, clearest, and most impressive arguments which he has ever delivered." [6] I wonder how we would feel if our reporters of debate commented on our speeches in the *Record* today!

Despite the strong opposition of Calhoun, Benton, and the rest of the Democratic members of the Senate, Clay was confident of victory because he knew he had the votes. The Whigs held a seven-vote majority in the Senate and some fifty votes in the House of Representatives where Clay's ally, Kentucky Representative John White, was elected Speaker. Clay's problem was not with the Congress, but with the White House, which was now occupied by a man who had never shown any sympathy for the American System. When John Tyler was a senator he had voted against the Bank of the United States, had opposed high tariffs, and disliked the "centralism" of Clay's plan of federal funding for rivers and harbors improvements, roadbuilding, and other projects in the states. Tyler was clearly out of step with the Whig philosophy, allied to that party only through common opposition to the policies of Presidents Andrew Jackson and Martin Van Buren. Now, Tyler himself was president. At first, he tried to make his peace with the party. Tyler kept all of William Henry Harrison's Whig cabinet and tried to remain close to Clay. He let it be known privately, and suggested publicly in his message to Congress, that he would accept the Whig program if it met his specific objections. He conceded that Congress was best qualified to express the popular will but reserved the right to veto any measure that he considered unconstitutional.

Henry Clay was not in a mood to compromise on his program. "I have a perfect Bank in my head," he had written to Senator Calhoun in March, and he meant to establish exactly the kind of bank he had in mind. On June 7, Clay's Finance Committee requested that the secretary of the treasury submit a plan for a national bank. On June 12, the secretary submitted a bill, which he worked out with President Tyler. Its one major deviation from Clay's plan was a stipulation that the bank could establish branches in the various states only with the permission of the states. Henry Clay considered that this states' rights provision would fatally undermine and weaken the bank. Although Tyler informed him that he was completely opposed to the bank without such a provision, Clay was determined to press ahead with his own plan. "Tyler dares not resist," Clay told a friend, and added, "I will drive him before me." [7]



Referred to as "His Accidency" by opponents, Tyler took over as president upon Harrison's death.
Library of Congress

In the meantime, the Congress acted quickly to abolish the old independent subtreasury of the Jackson and Van Buren administrations, and Tyler signed the measure. Jubilant Whigs marched in procession from the Capitol to the White House one evening with torches, music, and fireworks, escorting a hearse carrying a coffin labeled "The Sub-Treasury." President Tyler, Secretary of State Webster, and other cabinet members had greeted the procession at the White House. (Incidentally, the White House lacks an official name. It was generally called the President's House until the Civil War. For the remainder of the nineteenth century, most referred to it as the Executive Mansion. At the beginning of this century, President Theodore Roosevelt changed the stationery heading to read the White House, a term which had occasionally been used as early as 1809.) But the Whigs' jubilation soon changed to outrage. The Senate had enacted the national bank bill, but without Tyler's states' rights stipulation. "What he will do," Clay wrote to a friend, "is unknown to me or to his Cabinet." What John Tyler did, on August 16, 1841, was to veto the bank bill.[8]

When the clerk finished reading the president's veto message to the Senate, the galleries erupted with applause and sounds of dissent. Senator Benton was immediately on his feet, saying that he had heard hisses in the gallery and that he felt "indignant that the American President shall be insulted." Another senator claimed not to have heard any hisses, but Benton insisted, "I am not mistaken—I am not." While the Senate debated, the sergeant at arms went into the gallery and apprehended the chief heckler, who expressed his penitence and was let go. When this fracas had died down, Henry Clay took the floor, and, in a calm and dispassionate speech, called upon the Senate to override Tyler's veto. Clay, however, knew he lacked the necessary two-thirds margin to override, and, indeed, the vote was 25 to 24 against the president; the override failed.[9]

There was still time in the special session to introduce the bank bill once again, and Clay brought forward a revised version which he worked out with Tyler's cabinet. This time, they would not call it a national bank but a "Fiscal Corporation of the United States" to appease the president. But Tyler was angered that the final version of the bill to establish this agency was not submitted to him for approval. What was occurring was a power struggle between the president and the influential Senator Clay for control of the Whig party. Each man wanted the nomination for president in 1844, and neither was willing to appear to follow the other or capitulate to the other on the bank issue. On September 9, Tyler vetoed a second bank bill. Henry Clay stood on the Senate floor and pointed out that Tyler had signed the bill abolishing the subtreasury, but had now twice vetoed proposals to replace it; "and there being no other system that any one ever dreamed of in this country for receiving, safekeeping, and disbursing the public money," Clay speculated that the wit of man could never devise a financial system that would satisfy President Tyler.[10] Here, Clay scored a valid point, for the president had taken a purely negative stand and had not offered an alternative program.

Members of the president's cabinet did not learn of his intention to veto the bank bill a second time until they read it in the *New York Herald*. The entire Whig cabinet then resigned with the exception of Secretary of State Daniel Webster, who was involved in the negotiations to settle the disputed boundary between Maine and Canada and wanted to see the treaty through to completion. Webster also was not inclined to follow Henry Clay's leadership. In Webster's view, Clay was dividing the Whig party as a device to further his own presidential ambitions.

When Webster agreed to stay in the cabinet, Tyler rejoiced that "Henry Clay is a doomed man from this hour."[11]

In the Senate, there were also rumblings that Clay was behaving in a dictatorial manner. There were no party floor leaders in the early nineteenth century, but there was no doubt in anyone's mind that Clay led the Whigs in the Senate. Sitting by a rear door in the old chamber, Clay could inform incoming senators of the nature of the debate and the vote. He was the man pulling the party strings. The Democrats were quick to make this an issue. At one point during the debate over the bank, Clay had fashioned a minor compromise and said, "If the clerk will follow me, I will dictate a modification, though I do not like to be a dictator in any sense." James Buchanan, then a Democratic senator from Pennsylvania, jumped to his feet and said, "You do it so well, you ought to like it." The Senate chamber was then filled with comments of "That's fair!" from various quarters.[12]

The special session of the Twenty-seventh Congress ended far differently than Henry Clay had imagined. Neither Clay nor Tyler had emerged victorious, and the Whig party was grievously wounded. Just before adjournment, Democratic Senator Arthur Bagby of Alabama—a large man with a bald head and a strong voice—turned during a speech to Whig Senator Oliver Smith sitting near him and said, "Why don't you Whigs keep your promises to the American people?" Smith immediately responded, "Because *your* President won't let us." Bagby stood still for a moment and then roared back: "*Our* President! Our President! Do you think we would go to the most corrupt party that was ever formed in the United States, and then take for our President the meanest renegade that ever left that party?"[13] Thus, although some Democratic members of Congress toasted the president for his vetoes, John Tyler was clearly a man without a party.

Before moving on from this special session, I should also like to note that it was at this time that the House of Representatives, growing larger with the expanding population of the nation, adopted its first limitation on debate, called the one-hour rule. Until that time, it was not uncommon for members of the House, like members of the Senate, to speak for several hours and several days on any one subject. But the Whig majority sought to impose some discipline and efficiency upon that body and restricted the maximum time that any member could speak on a given subject to one hour. Many members of the House were displeased with this rule and claimed that no man could explain his views in just an hour. Senator Benton (who later became a member of the House) was particularly outraged over this limitation which he said "has silenced the representatives of the people in the House of Representatives, reduced the national legislation to blind dictation, suppressed opposition to evil measures, and deprived the people of the means of knowing the evil that Congress is doing." In fact, the movement to limit speaking in the House was not yet over, and, in 1847, the five-minute rule on amendments was also adopted. These rules, as we know, have constituted some of the greatest differences between the procedures of the House and the Senate, for, in this body, unlimited debate is still the rule in most instances.[14]

The Twenty-seventh Congress stood adjourned until December 1841, when its members returned to resume their battle with President Tyler. This was the Senate during its Golden Age of Debate, with Clay and Calhoun as its most prominent members and Webster absent at the State Department. Here is journalist Ben: Perley Poore's description of some of the other members of that Senate:

> [William] Preston's flexible voice and graceful gestures invested his eloquence with resistless effect over those whom it was intended to persuade, to encourage, or to control. [Alexander] Barrow, of Louisiana, the handsomest man in the Senate, spoke with great effect. [Samuel] Phelps, of Vermont, was a somewhat eccentric yet forcible debater. Silas Wright, Levi Woodbury, and Robert J. Walker were laboring for the restoration of the Democrats to power. [Thomas Hart] Benton sturdily stood, like a gnarled oak tree, defying all who offered to oppose him. [William] Allen, whose loud voice had gained for him the appellation of "the Ohio gong," spoke with his usual vehemence. Franklin Pierce was demonstrating his devotion to the slave-power, while Rufus Choate poured forth his wealth of words in debate, his dark complexion corrugated by swollen veins, and his great, sorrowful eyes gazing earnestly at his listeners. . . . In the Senate he had no equal as an orator. His elaborate and brilliant speeches were listened to with earnest attention by the other Senators, who would now be convulsed with laughter and then flooded with tears.[15]

When the second session of the Twenty-seventh Congress convened, Senator Henry Clay immediately demonstrated that he had not finished his war with Tyler by introducing a series of proposed constitutional amendments. These amendments would have reduced the vote necessary to override a presidential veto from two-thirds to a simple majority, and would have taken the appointment of the secretary of the treasury away from the president and given it to the Senate and House. Clay argued eloquently that the president should have no role in the formulation of laws, which was the domain of Congress. The president's function, instead, was to administer the laws passed by Congress. Clay's amendments would stop "executive encroachment" on legislative prerogatives. Of course, we know that these amendments were not adopted. Southern Democrats, in particular, argued strongly that the federal system was not designed to be run by a simple majority, but by a restrictive system of checks and balances designed to protect the rights of the minority. In this argument, these Democrats clearly had in mind, although they did not say so openly, the protection of that "peculiar institution," slavery.[16]

With the bank clearly a dead issue, Clay turned his attention to the second pillar of his American System, the tariff. On February 18, 1842, Clay introduced a memorial from industrialists in Bedford County, Pennsylvania, asking for repeal of the Compromise Act of 1833—which had ended the nullification crisis—and imposition of tariff rates on certain items which would encourage domestic manufacturing.

Without going into great detail on this matter, the Compromise Act provided for sharp reductions in the tariff after July 1, 1842. But, in those days before income taxes, tariff revenue was the chief source of government income. This was how the federal government supported its military, improved its rivers and harbors and other internal projects, and paid off its deficit. The federal deficit in 1842 was $13.5 million, amazingly small to us in these days of triple-digit-billion-dollar deficits, but awesomely large to America in the mid-nineteenth century. The Whigs proposed to extend the tariff rates beyond the July 1 deadline.

For Senator John C. Calhoun, however, this was a noxious policy. Calhoun saw the tariff as "the most vital of all questions," designed to protect northern industry at the expense of southern agriculture. To Calhoun, it was the accumulation of tariff revenues in the treasury that had "destroyed the banking system and deranged the whole business of the country" over the past decade. Calhoun fought Clay's proposal with all his might but lost in the Whig-dominated Senate and House; however, President Tyler once again used his veto power to reject a major Whig proposal. Outraged Whigs supported Clay's proposal to reduce the vote necessary to override presidential vetoes from two-thirds to a simple majority, but they lacked the two-thirds margin necessary to enact it. It was a frustrating time for the Whig party.[17]

Henry Clay and John C. Calhoun, the antagonists in this and many other Senate battles of the era, are, today, among the five most significant United States senators whose pictures are painted on the walls of the Reception Room, just outside the Senate chamber. While they served together, they were great rivals for national leadership. Their relationship was so strained that years would go by without their speaking to one another, except in the crossfire of debate on the floor. Their animosity towards each other reached a peak in 1842, to be broken by a surprising announcement: Henry Clay had decided to withdraw from the Senate to prepare for the upcoming presidential elections.

Clay welcomed the opportunity for some rest and relaxation but also wished to remove himself from the immediacy of political debate and controversy. It was then, and perhaps still is, an odd factor of American politics that the less well known a presidential candidate is, the more hidden his views on the issues, the more likely he is to succeed. Governors, for example, have traditionally been more successful as presidential candidates than have senators. Governors are not likely to have taken outspoken stands on controversial national issues; unlike members of Congress, they are not required to cast roll-call votes that might offend one group of voters or another. So, as Clay reasoned, while several presidents had served previously in the Senate, they had usually been absent from the Washington political scene at the time of their nomination and election.

Clay had been passed over for the Whig nomination in 1840 in favor of that nebulous political figure, William Henry Harrison. Clay was now the undisputed head of the Whig party and planned to consolidate his leadership and unite his party for the 1844 election from the comfort and security of his estate in Lexington, Kentucky.

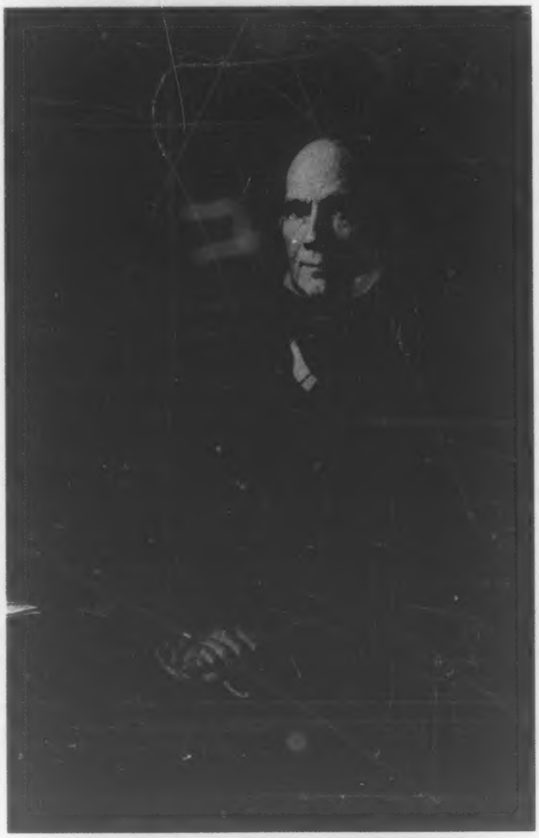
On March 31, 1842, Henry Clay arose in the Senate chamber before crowded galleries and formally announced his retirement:

> At the time of my entry into this body, which took place in December 1806, I regarded it, and still regard it, as a body which may be compared, without disadvantage, to any of a similar character which has existed in ancient or modern times. . . .

Clay begged forgiveness from those whom he might have wronged during his years in the Senate:

> Mr. President, that my nature is warm, my temper ardent, my disposition in the public service enthusiastic, I am ready to own. But those who suppose they may have seen any proof of dictation in my conduct, have only mistaken that ardor for what I at least supposed to be patriotic exertions. . . . And now, in retiring as I am about to do from the Senate, I beg leave to deposit with it my fervent wishes, that all the great and patriotic objects for which it was instituted, may be accomplished—that the destiny designed for it by the Framers of the Constitution may be fulfilled—that the deliberations, now and hereafter, in which it may engage for the good of our common country, may eventuate in the restoration of its prosperity, and in the preservation and maintenance of her honor abroad, and her best interests at home.

Henry Clay, as he spoke these words, was sixty-three years old and in poor health. He was described as old and careworn in appearance, with a voice trembling in deep emotion. His colleagues in the Senate and visitors in the galleries were deeply moved. When Clay had completed his remarks, his longtime rival, Calhoun, stood and, with "tears running down his face," crossed the chamber with his hand extended. The two old combatants embraced. "I don't like Clay," John C. Calhoun later said. "He is a bad man, an imposter, a creature of wicked schemes. I



Artist Henry Darby portrayed Henry Clay in a reflective mood. *Architect of the Capitol*

won't speak to him, but, by God, I love him!"[18]

Henry Clay's retirement from the Senate did not lessen his political power nor increase President Tyler's support in Congress in the slightest way. Indeed, in March 1843, the Senate handed the president a series of stinging rebukes that are still unique in the history of this institution. On March 3, 1843, the last day of the stormy Twenty-seventh Congress, President Tyler, as was the custom, journeyed to Capitol Hill and entered the Vice President's Room across from the old Senate chamber, a room currently occupied by the Republican Leader of the Senate. There, Tyler proceeded to sign the last bills of the Congress and to submit last-minute nominations, for the Congress would then be adjourned until December.

President Tyler submitted the name of Caleb Cushing, Whig congressman from Massachusetts, to be secretary of the treasury. Cushing was a quick-tongued, sharp-minded individual who had been among the most outspoken defenders of the president in the House and among the most caustic critics of the "caucus dictatorship" of Clay and other anti-administration Whigs. It was not all that surprising, therefore, when the Senate rejected Cushing—although it was only the second time in history a cabinet member had not been confirmed. What was surprising, however, was the return of the president's private secretary with the renomination of Cushing. While the first vote for Cushing had been 19 to 27, the second was only 9 in favor to 27 against. Now the secretary returned a *third* time with a hastily written note saying "I nominate *Cushing* as Secretary of Treasury." For the third time within the same day and within the same hour, the Senate rejected the nomination of Caleb Cushing, this final vote of 2 in support and 29 in opposition. So, the support continued to dwindle.

This event took place in a late-night session of the Senate on the last day of the Congress, and we may guess at the anger and fervor on both sides of the dispute as the president adamantly clung to a second nomination, that of his close friend, Representative Henry Wise of Virginia, to be minister to France. Twice, the Senate rejected him. Tyler nominated Congressman George H. Proffit of Indiana to be minister to Brazil; he was rejected. Tyler nominated David Henshaw to be secretary of the navy; the Senate rejected him—only eight members voted their support. James Porter received only three votes for his nomination as secretary of war. John

Spence, nominated to the Supreme Court, was rejected by a 21 to 26 vote. "Mr. Tyler was without a party," according to Senator Thomas Hart Benton. "The incessant rejection of these nominations, and the pertinacity with which they were renewed, presents a scene of presidential and senatorial opposition which had no parallel up to that time, and of which there has been no example since."[19]

President Tyler, though rebuked, remained unbowed. He had every intention of running for reelection and winning on his own; if not with the Whig party, then with the Democratic party; and, if not with the Democratic party, he would create his own party. The vehicle on which he intended to ride to triumph was the annexation of Texas. Representatives of the Texas republic were in Washington lobbying for union with the United States, and there were rumors that the British were seeking commercial ties with Texas and to keep Texas independent. Tyler's move to support Texas' annexation cost him a secretary of state, for Daniel Webster, having completed his negotiations with Britain over the Maine boundary line—the famous Webster-Ashburton Treaty—handed in his resignation on May 8, 1843. Tyler replaced Webster with Abel Upshur of Virginia, a man devoted to slavery and the expansion of the United States to the southwest, where slavery and southern agriculture could spread. Upshur was involved in secret negotiations with Texas when he was killed in a freak accident on the Potomac as a cannon on the battleship *Princeton* exploded. To succeed Upshur, President Tyler appointed Senator John C. Calhoun. (It is an interesting historical footnote that the three Senate greats—Clay, Webster, and Calhoun—each served as secretary of state.)

Calhoun became secretary of state on April 1, 1844, and the treaty with Texas was signed on April 12; but when Secretary Calhoun sent the treaty to the Senate, he complicated matters by injecting the issue of slavery. Calhoun had been concerned with a message from the British minister, Richard Pakenham, indicating that Britain, while it would not interfere in Texas, opposed slavery and the spread of slavery. Calhoun responded that slavery was a beneficial institution to the slave as well as to the American economy. He suggested that the annexation of Texas would protect the institution of slavery there and would, in turn, protect the interests of the United States, for slavery was "a political institution, essential to the peace, safety, and prosperity of those states of the Union in which it exists." The Calhoun-Pakenham correspondence was included in the material submitted to the Senate with the treaty. This correspondence was confidential, and treaties, being executive business, were considered in closed session of the Senate. However, Senator Benjamin Tappan of Ohio, an abolitionist, leaked the correspondence to the newspapers, causing a sensation throughout the North and linking, in many minds, the annexation of Texas with the spread of slavery.[20]

Texas was an inflammatory issue, one which the two leading candidates for president wished very much to avoid during the 1844 campaign. Former President Martin Van Buren expected to be renominated by the Democratic party. On a visit to Henry Clay's Lexington estate, Van Buren appears to have made an agreement with Clay to neutralize the Texas issue. In April 1844, both Clay, the Whig, and Van Buren, the Democrat, published letters in their party papers opposing the annexation of Texas. While these two wily political operators may have thought they had removed Texas from the campaign, they were sadly mistaken. Their agreement cost them both dearly. The Democratic Convention in Baltimore rejected Van Buren as its standard-bearer and

SAMUEL F. B. MORSE

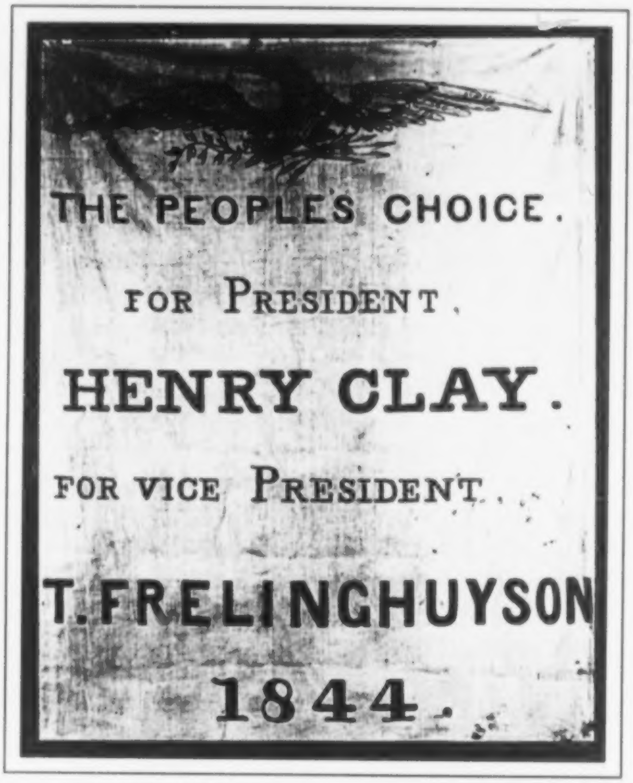
Samuel F.B. Morse first tested the telegraph in the United States Capitol. *Library of Congress*

chose instead the first darkhorse candidate, former Speaker of the House James K. Polk, who supported Texas annexation. The Whigs chose Henry Clay, but, as we know, the voters chose Polk. As for John Tyler, his attempt to ride the Texas issue to reelection was unsuccessful. As Senator Benton described it, Tyler "continued his march to the democratic camp—arrived there—knocked at the gate—asked to be let in: and was refused. The national democratic Baltimore convention would not recognize him." [21]

The Baltimore convention is also tied intimately to the history of the Senate because it provided the opportunity of demonstrating the new "magneto-telegraph" of Professor Samuel F. B. Morse. Most of us, at one time or another, have passed the bronze plaque downstairs on the first floor corridor, just outside the old Supreme Court chamber, commemorating Morse's first long distance test of the telegraph, all the way from Washington to Baltimore on May 24, 1844. Morse had been demonstrating his invention with a hookup from the Senate to the House wings of the Capitol, until the Congress passed a $30,000 appropriation to see if the system of sending messages by electric impulses could work over a considerable distance.

We all remember from school history lessons how Morse sent out the first message: "What Hath God Wrought!" What we may not remember are the messages that came back from Baltimore. There, the news was all centered on the Democratic Convention and the surprise nominations of James K. Polk for president and Senator Silas Wright for vice president. Senator Wright was in the Capitol when the news was received over the wire that he had been nominated. Morse then sent back his reply to Baltimore. "Washington. Important! Mr. Wright is here, and says, say to the New York delegation, that he cannot accept the nomination." The Democratic Convention did not completely trust this new invention and again sent word that Wright was nominated. The reply was "Again, Mr. Wright is here, and will support Mr. Polk cheerfully, but cannot accept the nomination for vice-president." It was not until Wright sent a handwritten letter delivered by special messenger that the convention would accept his refusal and instead nominate George Dallas. As news from the Baltimore convention came in over the wires, Professor Morse would post the dispatches on a bulletin board in the Rotunda of the Capitol; so, today, as we pass the ticker tape machines in the Senate lobby pouring forth the most up-to-the-minute reports, I hope my colleagues will reflect that the first wire service began right here in the Capitol.[22]

Although he had been shut out of the presidential race, John Tyler went ahead with his plans for annexing Texas. Tyler



An 1844 Whig campaign poster promoted losing candidates Henry Clay and Theodore Frelinghuysen.
Smithsonian Institution

submitted the treaty to the Senate but found northern opposition—based on the fear of spreading slavery and the potential for war with Mexico—too strong to overcome. On June 8, 1844, the Senate rejected the treaty, 16 yeas to 35 nays. Tyler then proposed that Texas be incorporated by a joint resolution, but neither house had acted by the time Congress adjourned on June 17. The presidential election that followed offered voters a clear choice on Texas, with Clay opposing annexation and Polk favoring it. But Henry Clay was himself a slaveholder and a defender of the "peculiar institution," although he was also president of the American Colonization Society, which proposed to emancipate the slaves and return them to Africa. Clay's positions were intolerable to northern abolitionists. They supported James Birney's third-party candidacy for president on the Liberty party ticket, which drained off just enough antislavery Whig votes, particularly in New York state, to deny Clay the election. In addition to electing a president, the Democrats also gained majorities in both the Senate and the House.

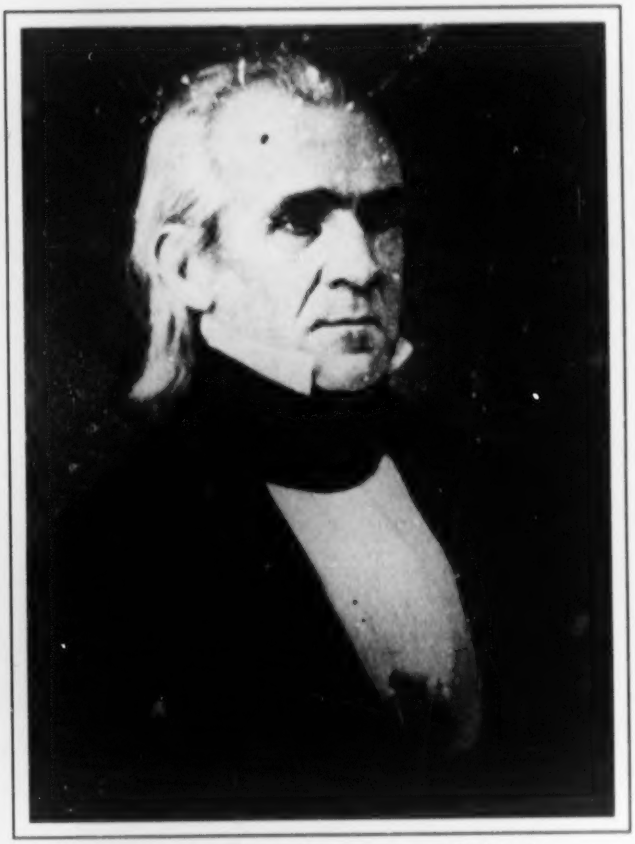
Thus, the election of 1844 turned the tide in favor of annexation of Texas. The sentiment for annexation was strongest in the House of Representatives, but chances in the Senate were still uncertain. Senator Thomas Hart Benton offered a resolution to try to ease Senate concerns about protecting its constitutional right to consent on treaties. His resolution would authorize the new president, having received his mandate from the people, to negotiate with Texas for its incorporation into the United States. The president could either abide by the terms of the congressional resolution, or draft a different treaty which he could submit to the Senate for its consent to ratification. The execution of the resolution, said Benton, would thus "devolve upon the new President, who had been just elected by the people with a view to this object." He had "no hesitation in trusting it to him, armed with full power, and untrammelled with terms and conditions." The House adopted Benton's resolution by a 120 to 97 vote, while the Senate accepted it by the slim margin of 27 to 25.

This was the first time that Congress had accepted a treaty and annexed territory by a joint resolution. But the Texas matter was not to be settled by the incoming president. Instead, the strong-willed John Tyler acted on his last day in office to invite Texas to join the Union under the terms of Benton's resolution. When the new president, Polk, made no effort to stop Tyler's emissary to Texas, Tyler had won his final victory. The state of Texas was formally admitted to the

Union on December 29, 1845. An outraged Senator Benton called President Tyler's action an audacious cheat and an act "prolific of evil, and pregnant with bloody fruit. It established, so far as the United States was concerned," said Benton, "the state of war with Mexico."[23]

Mr. President, there were many issues between the Senate and the new president, James K. Polk—the tariff, the Independent Treasury Act, the Oregon boundary controversy—but for the purpose of my talk today, I shall focus exclusively on the Senate's role in the Mexican War. With Texas as a state, the United States had inherited Texas' long-held disputes with Mexico. Most pressing was the question of the border line. Mexico recognized the Nueces River as its boundary with Texas, while the United States insisted on a more southern boundary along the Rio Grande. On June 15, 1845, the Polk administration ordered General Zachary Taylor to occupy a point on or near the Rio Grande within the territory claimed by Mexico. It was not until March 1846, however, that Taylor and his force of thirty-five hundred men (representing half of the United States Army at that time) reached the Rio Grande across from an encampment of some fifty-seven hundred Mexican troops. The Mexican general ordered Taylor to evacuate the area, and, when the Americans refused to move, sent a raiding party across the Rio Grande. The Mexican troops attacked an American reconnaissance patrol, killed eleven Americans, wounded five, and captured forty-seven. On April 26, 1846, President Polk commented in his diary that General Taylor advised that "hostilities may now be considered as commenced." Two weeks later, Polk sent his war message to Congress, the heart of which read:

> As war exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of duty and patriotism, to vindicate with decision, the honor, the right, and the interests of our country.[24]



Democratic President James K. Polk was called both a great success and a great failure. *Library of Congress*

On the face of it, Congress acted quickly and overwhelmingly to declare war. After only two hours of debate, the House of Representatives voted 174 to 14 for the war resolution. The next day, the Senate voted 40 to 2 in favor of war. The margin of the vote in the Senate, however, was greatly misleading. It obscured the partisan divisions and the shallowness of support for "Mr. Polk's war."

Members of the Whig party were deeply suspicious of Polk's objectives. They saw his aims as far greater than simply protecting Texas territory, but including conquest of

The first known photograph of the U.S. Capitol, attributed to John Plumbe, Jr., was taken about 1846.

Library of Congress

vast new areas of the Southwest into which slavery could spread, and they saw no reason to fight to protect the expansion of slavery. Yet, many Whigs were descendants of the old Federalists, who had destroyed themselves as a political party by their opposition to the War of 1812. The Whigs were frightened over the prospect of repeating this disaster and did not want to appear as obstructionists. The fight against the war resolution, therefore, was led not by a Whig but by a Democrat, Senator John C. Calhoun of South Carolina.[25]

Calhoun found himself in an odd position. Just a short time before, as secretary of state, he had lobbied successfully for the annexation of Texas. Now, having once again returned to his Senate seat, Calhoun was troubled over the prospects of war. He could support a limited war to repel the Mexican army from Texas, but not an all-out war to seize California and the rest of the Southwest—largely because this new territory would raise all over again the issue of slavery in the territories. He wished to consolidate the South's gains and not to jeopardize them.

When the war resolution was read, Senator Calhoun was among the first to his feet, objecting to a quick vote. Because of the gravity of the matter, he asked for a "high, full, and dispassionate consideration." Of course, a declaration of war is perhaps the most difficult item for any nation to consider dispassionately. Calhoun and the Whig senators tried to slow down the proceedings by requiring the war message to be divided into two parts: the actual declaration of war to be referred to the Senate Foreign Relations Committee (chaired by the prowar William Allen of Ohio); and the raising of arms and troops to fight the war to be referred to the Senate Military Affairs Committee (chaired by Thomas Hart Benton of Missouri, who harbored grave doubts about the war). Senator Benton, however, pledged that his committee would subordinate its own wishes to the will of the Senate and would provide whatever military provisions were necessary, whether to fight a limited defensive war or an all-out offensive conflict. While the committees debated the message, however, the Senate defeated attempts to have the resolution itself referred to committee, and debated the resolution directly.[26]

The Senate debate concentrated on whether or not the United States was already at war and what response would be most proper. The legendary Sam Houston was the first senator from Texas, and he had no patience for the legal technicalities being raised by opponents of the war. Texas had been warring with Mexico for ten years, Houston argued, and, by annexing Texas, the United States had inherited that war. Mexicans had "marched across the river in military array—they had entered upon American soil with a hostile design," said Houston. "Was this not war?"[27]

Senator John J. Crittenden, Henry Clay's able successor in the Senate, offered the key Whig amendment to the war resolution. Crittenden would have deleted the words "to prosecute said war to a speedy and successful termination" and inserted, instead, the words "for the purpose of repelling the invasion, the President is hereby . . ." Crittenden's amendment lost by a vote of 20 to 26. Eighteen Whigs voted for the amendment and were joined by South Carolina's two Democratic senators, John C. Calhoun and George McDuffie. The vote on this amendment, rather than on the war resolution as a whole, showed the true division of feelings over the Mexican War in the United States Senate. Significantly, when the final vote was taken on the war resolution, Calhoun abstained.[28]

Calhoun feared that the war with Mexico would become more of a detriment than an advancement of the southern way of life, and that it would turn the slave-labor system into a wedge between the North and the South within the political process. His fears were borne out on August 8, 1846, when a thirty-two-year-old Democratic congressman from Pennsylvania, David Wilmot, added a proviso to a bill appropriating $2 million to aid negotiations with Mexico to settle the territorial adjustments as a result of the war.

The Wilmot Proviso, as it came to be known, required that "neither slavery nor involuntary servitude shall ever exist in any part" of the territory won from Mexico during the war. At first, the Polk administration tried to mitigate the effects of the Wilmot Proviso by limiting it to just those territories taken north of the thirty-sixth parallel, the Missouri Compromise line, but the administration's efforts failed in the House. The Senate did not act upon either the appropriation or the Proviso before it adjourned. Thereafter, the Wilmot Proviso was added to other appropriations bills, passed in the House, and defeated in the Senate (where the slaveholding states constituted half of the votes and where the votes of a few northern sympathizers of the slave system could always be counted upon).

It is impossible to express the passions and the consternation that the Wilmot Proviso stirred. For two years, said Senator Benton, the Proviso "convulsed the Union, and prostrated men of firmness and patriotism—a thing of nothing in itself, but magnified into a hideous reality, and seized upon to conflagrate the States and dissolve the Union."[29] Of course, we are not unmindful of similar attempts in recent years to add burning emotional issues as riders on other bills, especially appropriations bills, and we know how such actions can inflame passions on both sides of the issue, tie up the proceedings of the Congress, and make mutually agreeable compromise all the more difficult to attain.

Mr. President, the Mexican War, the expansion of the United States into the Southwest, and the Wilmot Proviso all shook loose the foundations of the American political coalitions that held this nation together. We must remember that, in the 1840's, the Democratic and Whig parties were not northern or southern parties; they were national parties. The Democrats may have been stronger in the South and the Whigs in the North, but each had active organizations in all of the states. Historians and political scientists have found far more party unity in the voting in Congress than sectional unity. Northern and southern Whigs joined together to vote for the national bank, the tariff, and federally funded internal improvements. In the Senate, historian Glyndon Van Deusen found "almost complete Whig unanimity, ninety-three percent of their number being generally opposed to expansionist policies, with the remainder only moderate expansionists." The Democrats also maintained a North-South alliance and voted with strong party unity.[30]

Such party coalitions and national unity could exist, however, so long as slavery remained an unspoken issue. As the 1840's progressed, it became more difficult to ignore or suppress this most sensitive issue. In many northern states like Massachusetts, the Whig party began to split between "conscience" Whigs, those who opposed slavery, and "cotton" Whigs, those who supported slavery—often textile interests that depended upon southern cotton, which was produced by slave labor. It was John Quincy Adams, the conscience Whig, who persistently introduced abolitionist petitions in the House of Representatives; and it was the prevalent cotton Whigs who imposed a gag rule on Adams and the abolitionists in 1841. In the 1844 election, it was the defection of many conscience Whigs that cost Henry Clay the presidency.

The division in the Whig party also made most difficult the role of Daniel Webster, who had returned to the Senate in March 1845 after his service as secretary of state. By his nature, Webster was a nationalist, a passionate defender of the Union, a seeker of healing compromises. But he also had to contend with the influence of the conscience Whigs in his state, particularly such rising political stars as Charles Francis Adams (son of John Quincy Adams) and Charles Sumner. In one of his first floor utterances a month after returning to the Senate, Webster spoke out against annexation of Texas, endorsing, he said, "the unanimous opinion of the legislature of Massachusetts; . . . the great mass of her people." But Webster was absent from the Senate when the vote on war with Mexico was cast and was silent on the Wilmot Proviso. Addressing himself chiefly to tariff and fiscal issues, he walked a delicate tightrope across the middle of the slavery issue.[31]

In 1847, it became increasingly difficult to remain neutral on slavery or the Wilmot Proviso. During the last session of the Twenty-ninth Congress, the Wilmot Proviso was added to the "Three Million" bill to appropriate funds for military support and the addition of Mexican territory. The House passed the bill with the Proviso by a 115 to 106 margin, while the Senate defeated the Proviso by a 21 to 31 vote. The Senate version was adopted in the conference committee. During the first three months of 1847, however, nine northern states directed their senators to vote for the Wilmot Proviso.

Senator John C. Calhoun led the southern opposition. On February 19, 1847, he introduced four resolutions on the slavery issue:

first, that the territories of the United States were the joint property of all of the states; second, that Congress had no right to pass any law discriminating between the states and denying them equal rights; third, that any law interfering with slavery would be in violation of the Constitution; and, fourth, that the people had the right to form the type of state governments they chose with no conditions (such as the abolition of slavery) imposed upon them by the federal government. Calhoun defended his resolutions on the Senate floor and concluded by saying:

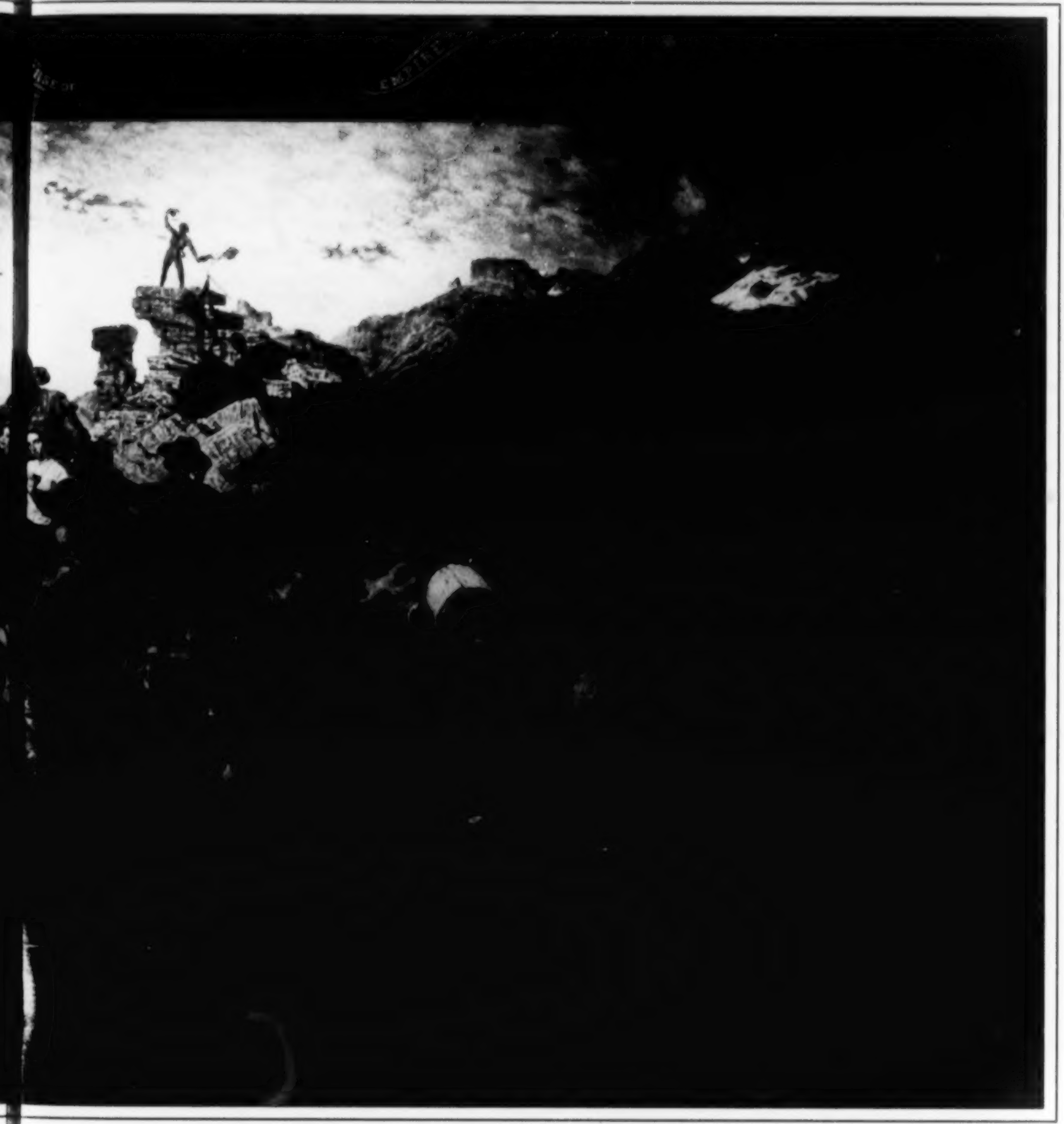
> I am a planter—a cotton planter. I am a southern man, and a slaveholder; a kind and merciful one, I trust—and none the worse for being a slaveholder. I say, for one, I would rather meet any extremity upon earth than give up one inch of our equality—one inch of what belongs to us as members of this great republic. What, acknowledge inferiority! The surrender of life is nothing to sinking down into acknowledged inferiority.

When Calhoun finished, Thomas Hart Benton of Missouri rose to call his resolutions "firebrand." Calhoun responded that he had expected Benton's support as the representative of a slaveholding state. Drawing himself up, Benton said that it was impossible to expect such a thing, "I shall be found in the right place—on the side of my country and the Union." Senator Calhoun never called for a vote upon his resolutions. Benton interpreted Calhoun's action as really addressing the issue to southerners, rather than to the Senate, in an effort to unite the southern states against the northern states.[32]

As Calhoun and Benton squared off against each other, Daniel Webster continued to work for compromise. He drafted an amendment to prohibit the acquisition of new territory through the war, but failed in his attempts. Webster dreaded the outcome of the war. If new territories were added, he saw nothing ahead but "contention, strife and agitation." Although Henry Clay was not a member of the Senate at this time (he would return for the last time in 1849), he added his own warnings from his temporary retirement in Kentucky. He urged Congress to "positively and emphatically disclaim and disavow any wish or desire on our part, to acquire any foreign territory whatever, for the purpose of propagating slavery, or of introducing slaves from the United States, into such foreign territory."[33]

I have limited my remarks to the Senate's debate over the Mexican War, and not to the military prosecution of that war. I have not spoken about the campaigns of General Zachary Taylor and Winfield Scott, which took American troops into the Mexican capital, Mexico City, or the campaigns of John C. Frémont in California. I have not talked of the great military victories or the great cost in lives. On February 2, 1848, a defeated Mexico signed a treaty of peace with the United States, the Treaty of Guadalupe Hidalgo, which recognized American claims to the land north of the Rio Grande and ceded to the United States a vast area which now includes the states of Arizona, New Mexico, Nevada, California, Utah, Colorado, and Wyoming. President Polk submitted this treaty to the Senate on February 23, 1848, and it is a touching reminder of the human sacrifices of this war that, on that same day, Senator Webster learned of the death of his son, Edward, in Mexico as a result of typhoid fever. A year earlier, Henry Clay's son had been killed at the Battle of Buena Vista. All told, thirteen thousand Americans died in the war, more as the result of disease than military injury. The war had lasted longer and cost more lives than its supporters had predicted, but it had also expanded the size of the United States to a size far greater than they had suspected. The war's long-term consequences were also unanticipated in that first flush of victory in 1848.

Emanuel Leutze's romanticized view of U.S. expansionism, *Westward the Course of Empire Takes Its Way,* adorns a stairway in the House wing of the Capitol.
Architect of the Capitol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Professor Avery Craven, the late historian of the Civil War, has called President James Polk both a great success and a great failure. Polk succeeded in fulfilling all of his promises in the election of 1844: the incorporation of Oregon and Texas, a lower tariff, an independent treasury system; but he was a failure in finding solutions for the problems created by the vast expansion of the country which he had secured. On the Senate floor, Webster pointed to the dangers of such a dramatic growth, preferring gradual growth to such sudden and wholesale expansion. "It has long been my purpose to maintain the people of the United States, what the Constitution designated to make them, *one people,* one in interest, one in character, and one in political feeling," said Webster. "If we depart from that, we break it all up." [34]

On March 10, 1848, having defeated the Wilmot Proviso again by a wide margin, twenty-six Democrats and twelve Whigs joined together to provide the necessary two-thirds vote to consent to the treaty's ratification. Seven Democrats and seven Whigs voted against it (the opposition coming largely from those who wished to annex all of Mexico). On July 4, 1848, President Polk proclaimed the treaty in effect.[35]

Mr. President, in my next address, I shall discuss the consequences of the American victory in the Mexican War; the effects on the turbulent election of 1848, and particularly on the great constitutional crisis of 1850; perhaps the most important debate in the United States Senate during the entire nineteenth century; and the last hurrah of the three great senators of that era, Henry Clay, John C. Calhoun, and Daniel Webster.

These men so dominated the Senate during that era that we often lose sight of the many other significant figures from our history who also served as members of the United States Senate. I have spoken frequently of Thomas Hart Benton, "Old Bullion Benton," the "Magnificent Missourian," in part, because he was such a giant figure in the debates of the Senate, but also because he left us his splendid two-volume reminiscences, *Thirty Years' View,* a running commentary on the events of Congress from 1820 to 1850. Other major figures in the Senate during the 1840's included Rufus Choate of Massachusetts, Robert J. Walker of Mississippi, David Atchison of Missouri, Sam Houston of Texas—who, by the way, wore red vests on the Senate floor and flirted with the ladies in the galleries—John Clayton of Delaware, Jefferson Davis of Mississippi, and Stephen A. Douglas of Illinois. Two future presidents of the United States served in the Senate at this time, Franklin Pierce of New Hampshire and James Buchanan of Pennsylvania. And a losing presidential candidate, Lewis Cass of Michigan, was also a prominent senator. In the years to come, however, they would all be overshadowed by an obscure one-term Whig member of the House of Representatives, whose service from 1847 to 1849 was so undistinguished that he would be a forgotten figure in history had his political career ended at the conclusion of his congressional term. I refer to Abraham Lincoln, about whom I shall have more to say in the future as I discuss the years after 1848 when the Senate and the nation plunged towards a terrible conflict.

CHAPTER 11

The Compromise of 1850

February 17, 1983

Mr. President, one of the most famous artistic representations of the United States Senate is Robert Whitechurch's engraving of Henry Clay addressing the Senate during the debate over the Compromise of 1850. I am sure that most of my colleagues are familiar with this print. It has appeared in countless schoolbooks and schoolrooms where American history is taught. A copy hangs in the old Senate chamber just down the hall from us and another hangs in one of my offices. The engraving portrays Senator Clay in mid-speech. The galleries are filled with anxious onlookers. On the floor, we can see Thomas Hart Benton, Daniel Webster, William Seward, Stephen Douglas, and John C. Calhoun, as well as the presiding officer, Vice President Millard Fillmore. These were the chief protagonists of one of the most significant legislative debates in the Senate's history, a debate which is the subject of my remarks today.

In my most recent address, I discussed the Mexican War, which was terminated in 1848 with the Treaty of Guadalupe Hidalgo. The war and the peace treaty vastly expanded the size of the United States, adding new territories from Texas to California; but neither the war nor the treaty settled the question of how these territories would be organized. "Free Soil" supporters in the northern states opposed the spread of slavery into any of the new territories; while supporters of slavery in the southern states objected to any interference with the spread of their economic and social system. The administration of President James K. Polk advocated extending the Missouri Compromise line, the thirty-sixth parallel, across to the Pacific, but the revival of this thirty-year-old compromise failed to appease either side in the increasingly bitter slavery dispute.

As the presidential election of 1848 approached, President Polk declined to run for reelection. His health was not good, and, indeed, he would die just months after leaving the White House. A major battle developed for the Democratic nomination, the outcome of which helped shape the Democratic response to the territorial issue. Secretary of State James Buchanan supported the administration's proposal to extend the Missouri Compromise line. Former President Martin Van Buren maneuvered for the nom-

The United States Senate, A.D. 1850, engraved by Robert Whitechurch after a painting by Peter Rothermel, depicts Henry Clay presenting his program of compromise to the Senate, presided over by Vice President Millard Fillmore. John C. Calhoun appears to the right of the vice president and Daniel Webster is seated, *left foreground,* head in hand.

U.S. Senate Curator's Office

ination by appealing to the Free Soilers. Senator Lewis Cass of Michigan advocated a policy of "popular sovereignty"; that is, of allowing the residents of the new territories to decide for themselves whether to admit or prohibit slavery. In May 1848, the Democratic Convention nominated Senator Cass and, thus, in the words of the distinguished historian David Potter, "made the equivocal policy of popular sovereignty a party doctrine." [1]

Angered over the rejection of Van Buren, a group of Democrats who were centered in New York bolted from the Democratic party. Called "barnburners" by their opponents, these Free Soil Democrats joined with antislavery Whigs and the remnants of the Liberty party to nominate Van Buren as an independent candidate. Seeking to build a new regional political coalition between the North and the West, they based their party platform on complete support for the Wilmot Proviso, which would ban slavery from any of the territories. There was a good deal of historical irony in the barnburner movement of 1848, since their candidate, Martin Van Buren, had been instrumental in building the original North-South coalition of the Democratic party, a coalition that depended upon northern Democrats accepting without question the "peculiar institution" of the South. Van Buren's conversion to the Free Soil movement left many northern idealists unconvinced. They considered him an opportunist and could not support his candidacy, despite their agreement with his platform. Nevertheless, Van Buren's independent campaign split the Democratic ranks, assured Senator Cass' defeat, and brought about the election of the Whig candidate, General Zachary Taylor.[2]

As Glyndon Van Deusen, historian of the Whig party and its leaders, has noted: "The Whigs in 1848 had no platform and, apparently, no principles, for as a party they failed to take a stand on the old Whig principles of bank, tariff, and distribution. They had only a candidate who would appeal to the North as a hero and to the South as a slaveholder." [3] Southerners, indeed, looked with approval upon the new Whig president, who was a Louisiana slaveholder and father of Jefferson Davis' first wife. But defenders of slavery would soon discover that Zachary Taylor was a nationalist rather than a sectionalist. As president, he would place the Union above the interests of his own region.

General Taylor was a newcomer to politics. He had never before voted and had only identified himself with the Whig party at the time of his nomination as its candidate. Taylor, thus, had no claims to the loyalties of the Whigs as did their longtime leaders Henry Clay and Daniel Webster. Nor did Taylor have any effective spokesmen in either the House or the Senate. Instead, to the horror of southerners—Whigs and Democrats alike—Taylor began to take counsel from such antislavery Whigs as Senator William Seward of New York.

When the president's first annual message was presented to the Thirty-first Congress on December 24, 1849, it contained his proposals to settle the territorial issues by having California and New Mexico (an area that, at that time, also included the present-day state of Arizona) apply immediately for statehood. They would thereby avoid going through a territorial stage and would escape any renewal of the Wilmot Proviso controversy. The absence of slaveholders in those areas (for Mexico had prohibited slavery in its territories) meant that both states would undoubtedly enter the Union as free states by their own choice. By leaving the decision to the settlers themselves, rather than to the government in Washington, President Taylor predicted that "all causes of uneasiness may be avoided, and confidence and kind feeling preserved."[4]

Rather than settle the territorial issue, however, Taylor's proposals only fanned the fires further. The inhabitants of California, many of whom were '49ers who had flocked west in search of gold, had already approved a state constitution that prohibited slavery; thus, its admission as a state would break the equal division between free and slave states in the Senate. The southern press expressed its outrage as did southern political leaders. On January 3, 1850, Senator David Atchison presented the Senate with resolutions passed by the Missouri legislature. Among other items, these resolutions stated:

> That the Territories, acquired by the blood and treasure of the whole nation ought to be governed for the common benefits of the citizens of all the States; and any organization of the Territorial Governments excluding the citizens of any part of the Union from removing to such Territories with their property would be an exercise of power by Congress inconsistent with the spirit upon which our federal compact was based, insulting to the sovereignty and dignity of the States thus affected, calculated to alienate one portion of the Union from another, and tending ultimately to disunion. . . . That in the event of the passage of any act conflicting with the principles herein expressed, Missouri will be found in hearty cooperation with the slaveholding States in such measures as may be deemed necessary for our mutual protection against the encroachments of northern fanaticism.

Immediately after these resolutions were read, Missouri's other senator, Thomas Hart Benton, rose to his feet to object that they did not truly represent the sentiments of his constituents. "They are a law-abiding and a Union-loving people," said Benton, and they had no intention of resisting the Congress' legislative actions.[5]

That passions were equally strong on both sides of the slavery issue was apparent from the Vermont resolutions, presented by Senator William Upham, which insisted that "slavery is a crime against humanity, and a sore evil in the body-politic," and which Congress should ban from the western territories and also the District of Columbia. Southern senators objected to the printing of the Vermont resolutions. Said Florida's Senator David Yulee:

> Now sir, slavery is an institution which the people I represent choose to maintain. . . . I consider that by receiving the communication of a State containing offensive language to other members of the Union, we give our sanction and approbation to it, so far as acquiescence will have this effect, and that we thus encourage a course of crimination and recrimination, producing a continual irritation between the States, which must be eventually fatal to the Union.[6]

On January 16, 1850, Senator Henry S. Foote of Mississippi introduced an omnibus bill to organize the western territories, including California, New Mexico, and Deseret—a vast area extending from present-day Arizona and Nevada to Utah, which was claimed by Mormon settlers. Senator Foote's bill also proposed cutting Texas into two states, thus increasing southern representation in the Senate and mitigating the admission of California as a free state. On the same day, Senator Andrew Butler of South Carolina reported from the Judiciary Committee a bill to toughen regulations governing the capture and return of fugitive slaves, an issue over which southern slaveholders had become increasingly dissatisfied. These territorial proposals, together with northern demands for an end to slavery in the District of Columbia and southern demands for a new fugitive slave law, provided the major issues for debate in what we call the Compromise of 1850.[7]

The United States Senate served as the major arena for that compromise; indeed, the House of Representatives was so bitterly divided that, for a long time, it could not organize itself and elect its Speaker and other officers. The House first met on December 3, 1849, but it was not until December 22, after some sixty votes, that it elected Georgia Democrat Howell Cobb as its Speaker.[8]

During these weeks, the Senate bided its time, since Vice President Fillmore ruled that the Senate could conduct no proceedings connected with legislative business until both houses had been organized. It was obvious that if any solution to the problems of the nation was to be found, it would be up to the Senate to take the lead. Hope rested largely on one man: Senator Henry Clay of Kentucky. Harry of the West, who had dominated legislative proceedings for so many years, returned to the Senate once again, following his "retirement" in 1842. Although defeated for president in 1844 and passed over for the nomination in 1848, Clay was still very much a leader of the Whig party. The first order of business in the Senate in the first session of the Thirty-first Congress was the presentation of Senator Clay's credentials. Daniel Webster and John C. Calhoun personally welcomed Clay back to the Senate. This was, in fact, the last Congress in which all three of these giants would serve together.

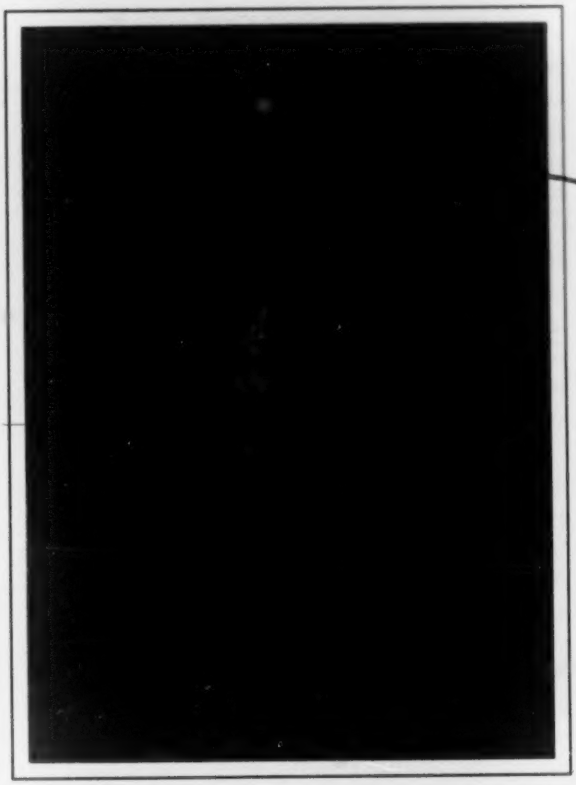
Surveying the turmoil in the House, the bullheadedness of the Taylor administration, the array of proposals in the Senate, and the growing divisions between North and South, Henry Clay was determined to shape a compromise, as he had done thirty years earlier with the Missouri Compromise. On a stormy winter's night, on January 21, 1850, Clay arrived unexpectedly at the home of Daniel Webster. That night, Clay outlined his plans and won Webster's pledge of support. Then, he sought out several southern senators. "Eight days later," wrote his biographer, "Clay, weak in body but strong in spirit, rose in the Senate chamber and began his last great struggle to save the Union that he loved." [9]

Clearly and eloquently, Clay presented eight resolutions to deal with the territorial and slavery issues. California was to enter the Union as a free state; the issue of slavery in New Mexico was to be left to its inhabitants; the boundaries and debts of the state of Texas were to be settled; slavery would be retained in the District of Columbia, but the slave trade there would be prohibited; a more effective fugitive slave law would be enacted; and the federal government would agree not to interfere with slavery where it already existed. This compromise, Clay believed, required no sacrifices on either side. "The plan is founded upon mutual forebearance," he said, "originating in a spirit of conciliation and concession; not of principles, but of matters of feelings."

Concluding his remarks, Clay recounted the story of a visitor to his lodgings that morning. A week earlier, the Senate had taken up Clay's resolutions to purchase both the manuscript copy of George Washington's Farewell Address and the first president's estate at Mount Vernon. The same gentleman who had first presented Clay with the memorial for the government to purchase Mount Vernon now returned and said, "Mr. Clay, I heard you make a remark the other day which induces me to suppose that a precious relic in my possession would be acceptable to you." As Clay explained:

> He then drew out of his pocket, and presented to me, the object which I now hold in my hand. And what, Mr. President, do you suppose it is? It is a fragment of the coffin of Washington—a fragment of that coffin in which now repose in silence, in sleep, and speechless, all the earthly remains of the venerated Father of his Country. Was it portentous that it should have been thus presented to me? Was it a sad presage of what might happen to that fabric which Washington's virtue, patriotism, and valor established? No, sir, no. It was a warning voice, coming from the grave to the Congress now in session to beware, to pause, to reflect before they lend themselves to any purposes which shall destroy that Union which was cemented by his exertions and example.

Thus, Clay finished his remarks, waving in the air the piece of George Washington's coffin.[10]



Foreseeing the danger of civil war, Henry Clay shaped a compromise to save the Union.

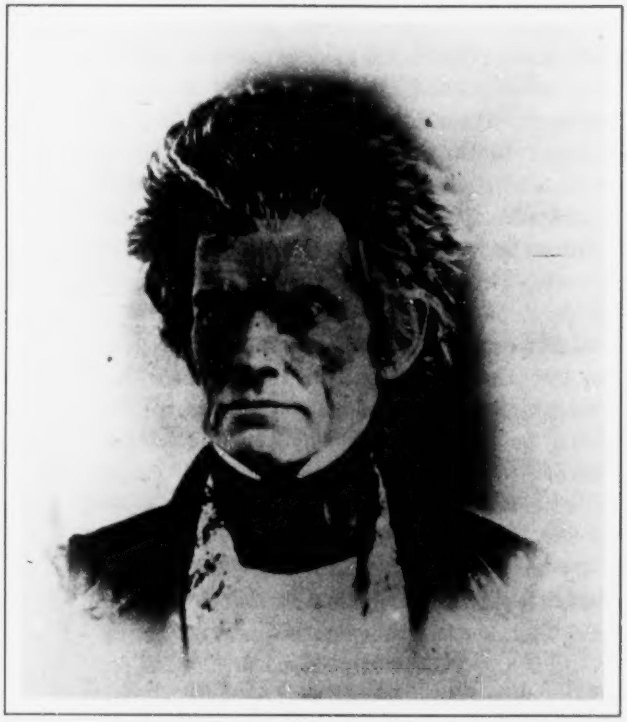
Library of Congress

On February 5, Clay further elaborated on his compromise plan in a long speech to the Senate. The aging senator had to be helped up the stairs to the Senate chamber, but he delivered, nonetheless, a long and passionate address. Baker Jamison, who was a Senate page in 1850, described Clay's speech that day as "the most impressive scene in our political life." From early in the morning, crowds poured into the Capitol Rotunda and corridors outside the Senate chamber. As soon as the doors to the galleries were opened, people packed into every available space. A gallant senator moved that the ladies crowded in the corridors be permitted admittance to the floor, and, according to the young page, "the fair ones extricated themselves from the crush as best they could and swarmed in like bees, taking every available spot, even crowding between the desks of Senators." At a side door to the chamber, Jamison was besieged by a gentleman from Boston who offered ten dollars to be let in to hear Senator Clay. The page obliged but assures us in his memoirs that he declined the money. Thus, when Henry Clay rose to speak, he was surrounded, not only by those senators portrayed in Whitechurch's engraving but also by elegant ladies standing between the senators' desks, members of the House of Representatives, cabinet secretaries, and diplomats in full regalia. It must have been quite a scene.[11]

"Mr. President, it is passion, passion—party, party—and intemperance; that is all I dread," said Clay. "All is now uproar, confusion, menace to the existence of the Union. . . . I implore Senators—I entreat them, by all that they expect hereafter, and by all that is dear to them here below, to repress the ardor of these passions, to look at their country in this crisis—to listen to the voice of reason. . . . in determining what is best to be done for our country in the actual posture in which we find it."

Clay's speech went on in this fashion for two days. "Mr. President," he concluded, "I have said what I solemnly believe—that the dissolution of the Union and war are identical and inseparable. . . . Such a war, too, as that would be, following the dissolution of the Union! Sir, we may search the pages of history, and none so furious, so bloody, so implacable, so exterminating . . . was ever conducted."[12] Henry Clay spoke those words eleven years before the outbreak of the Civil War. Sadly, his prediction was completely accurate.

When the Senate began to debate Clay's resolutions, John C. Calhoun led the opposition. Senator Calhoun had not been present in the Senate chamber to hear Henry Clay speak; instead, Calhoun was dangerously ill



Too ill to speak himself, John C. Calhoun wrote a strong rebuttal of Henry Clay's speech which was read on the Senate floor. *National Portrait Gallery*

in his boardinghouse room across from the Capitol. He had suffered a severe attack of pneumonia that winter, which weakened his already precarious health. But, having read Clay's speeches in the newspapers, Calhoun was determined to respond. Advance word of his address went out, and, on March 4, the galleries again were packed with spectators, the Senate floor again filled with ladies, diplomats, and members of the House. A few minutes after twelve, Calhoun entered the chamber. As Charles Wiltse, one of Calhoun's biographers, described him, "He was emaciated and feeble, his sallow cheeks sunken, his long hair now almost white, his step short. Only the brilliant, flashing eyes and the grim, straight lips remained of the old Calhoun. . . . The ghostlike figure sank into his seat." He had hoped to be able to deliver his own remarks, but, acting on the advice of his friends, he had instead put his remarks in writing to be read by the vigorous senior senator from Virginia, James M. Mason.

The theme of Calhoun's remarks was, as he said, "the greatest and gravest question that can ever come under your consideration—How can the Union be preserved?" Clay's compromise would not work, according to Calhoun. The Union could only be saved by adopting measures to assure the southern states that they could remain in the Union "consistently with their honor and safety." Calhoun described the disadvantages that he saw to the South: the limitation of its economic expansion, the tariff that favored industrial goods over agricultural goods, the northern attack on the institution of slavery. The North had to do justice to the South, Calhoun insisted,

> by conceding to the South an equal right in the acquired territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—to cease agitating the slave question, and to provide for the insertion of a provision in the constitution, by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government.

This was a challenge to the Senate, to the North, and to the Union.[13]

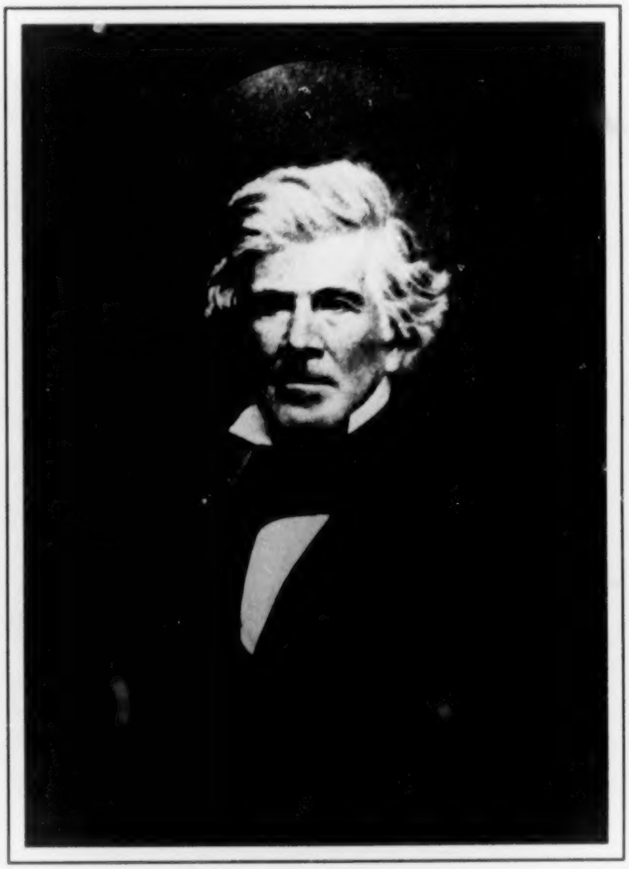
As Senator Mason read Calhoun's words, according to the *New York Herald*, Calhoun sat motionless in his chair, Webster was leaning forward intently, Clay resting his hand upon his forehead, Benton sitting rigidly, Cass lolling gloomily.[14] The younger members looked to Webster to reply to Calhoun, but the God-like Daniel was not yet ready to make his own statement. It was three days later that Daniel Webster rose to deliver his "Seventh of March" speech, perhaps the single most famous address ever given in the United States Senate.

Generations of schoolchildren have memorized—at least, in the days when schoolchildren were called upon to memorize anything—portions of Daniel Webster's speech of March 7, 1850, particularly its opening lines:

> Mr. President, I wish to speak to-day, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the Senate of the United States. It is fortunate that there is a Senate of the United States; a body not yet moved from its propriety, not lost to a just sense of its own dignity, and its own high responsibilities, and a body to which the country looks with confidence, for wise, moderate, patriotic, and healing counsels. . . . I speak to-day for the preservation of the Union. Hear me for my cause.[15]

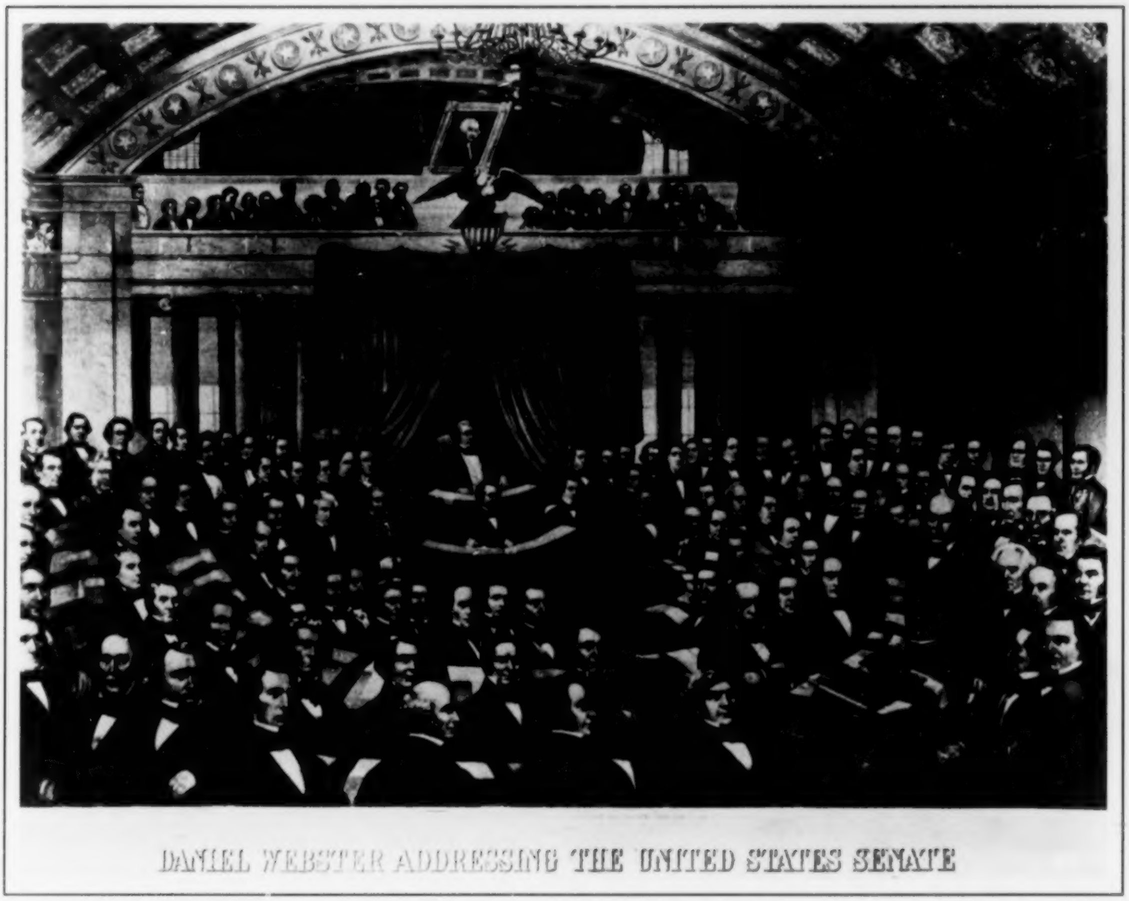
These eloquent words were spoken to a chamber crowded with people. The Senate's principal clerk, Lewis Machen, wrote to his son this description of the scene:

> The Senate chamber and galleries were literally jammed. Chairs from committee rooms were placed throughout the Senate chamber wherever one could be stowed. These and many of the seats of senators were occupied by ladies; and there scarcely has ever been a higher tribute paid to intellect than the earnest and fixed attention of the audience for three hours and a half. The effect of the speech has been conciliatory; and it is hoped that this will be the precursor of an earnest attempt to bring pending differences to a practical and favorable issue. [16]



Lewis Machen witnessed many dramatic moments during his tenure as Senate clerk. *Library of Congress*

Daniel Webster argued that the issues of slavery in the territories had been already settled by history, law, and geography. The South had long ago recognized Congress' right to determine the status of slavery when it agreed to the Northwest Ordinance of 1787 and the Missouri Compromise of 1820. In addition to the weight of history and federal law, the physical geography of California and New Mexico would prevent the institution of slavery, which was employed primarily in cotton and tobacco production, from ever spreading into western mountainous and desert regions. Further debate on slavery in the territories, therefore, would be fruitless. However, if southerners were to concede the territorial issues, Webster went on, then northerners must recognize other southern grievances. Webster denounced the northern abolitionist societies, whose agitations, he said, had "produced nothing good or valuable." He pledged not to introduce any further antislavery petitions into the Senate and went on to call upon northerners to recognize their constitutional obligation to


DANIEL WEBSTER ADDRESSING THE UNITED STATES SENATE

In a colored lithograph by James M. Edney, c. 1860, Daniel Webster, *standing to the right,* is portrayed in the old Senate chamber defending the Union not "as a northern man, but as an American." *U.S. Senate Curator's Office*

facilitate the return of fugitive slaves to their owners. In taking this position, he displayed raw political courage.

Webster concluded his remarks by denouncing the idea being promoted by some southern "fire-breathers" that the Union could be peacefully disbanded. "Secession! Peaceable secession! " said Webster. "Sir your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! . . There can be no such thing as peaceable secession. . . . I see that it must produce war."

Webster's stand for the compromise brought him commendations from northern and southern moderates but also violent abuse from northern abolitionists and reformers, who denounced him for selling his soul to the defense of slavery. The poet John Greenleaf Whittier published his denunciatory poem *Ichabod,* comparing Webster to a fallen angel. In Webster's home state, antislavery advocates formed vigilance committees to protect runaway slaves from federal fugitive hunters. It was clear that Webster had misjudged the political sentiment in Massachusetts and had undermined much of his own political support.[17]

With the three Senate giants having spoken, a relative newcomer to the Senate added his own observations in opposition to Clay's compromise. On March 11, New York Senator William H. Seward called the compromise "radically wrong and essentially vicious." He shouted, "I AM OPPOSED TO ANY SUCH COMPROMISE, IN ANY AND ALL THE FORMS IN WHICH IT HAS BEEN PROPOSED." The Senator from New York admitted that the United States Constitution recognized slavery and protected it where it existed. "But," he said, "there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part—no inconsiderable part—of the common heritage of mankind, bestowed upon them by the Creator of the universe." [18]

Seward's "Higher Law" speech drew instant fire from the South. For, if the North was no longer going to abide by the essential compromise of the Constitution, both the moderates and fire-breathers asked, then could the Union survive? Seward was considered a dangerous radical at the time—although in his later political career he came to be seen as a moderate. For all his rhetorical flashes, Senator Seward was personally well liked among his colleagues. The reporter Ben: Perley Poore tells us that, while Mississippi Senator Henry Foote made political capital by attacking Seward in public, in private he was quite friendly and at ease with the New York senator.[19]

Thus, the lines were drawn with southern hard-liners like Calhoun and Jefferson Davis and northern radicals like Seward lined up against the moderate compromise. At the end of March, however, the anticompromise forces lost their most eminent leader when John C. Calhoun died in his Washington boardinghouse room. He had made one of his last appearances in the Senate for Webster's "Seventh of March" speech. At first, Webster did not see the frail South Carolinian, wrapped in his cloak, in the crowded chamber that day and referred to his absence in his speech. "He is here," shouted another senator to alert Webster. Toward the end of Webster's remarks, Calhoun had engaged him in a brief colloquy, during which Webster had said of the South Carolina senator, "But, sir, the honorable member [Calhoun] did avow this object, himself, openly, boldly

William Seward's stance against the Compromise of 1850 was supported by northern Free Soilers and antislavery Whigs. *Library of Congress* and manfully; he did not disguise his conduct or his motives."

> Mr. Calhoun: Never, never.
> Mr. Webster: What he means he is very apt to say.
> Mr. Calhoun: Always, always.
> Mr. Webster. And I honor him for it.[20]

Calhoun returned to the Senate just once more on March 13. At that time, Senator Foote was defending his proposal for a special committee of thirteen to study and report back to the Senate on the compromise. During the debate, Senator Cass of Michigan had attributed to Calhoun a policy of disunion. Calhoun rose to claim he had been misunderstood; that his intention was to save the Union, not to destroy it. Calhoun insisted that he sought a cure to the disease that afflicted the Union, while Cass and other supporters of the compromise were proposing only palliatives. Calhoun also denounced northern antislavery advocates, most prominent among them Senator Seward of New York. "I will not be on good terms with those who wish to cut my throat," he said. "I recognize them as Senators—say good morning, and shake their hands with them—but that is the extent of my intercourse with those who I think are endangering the Union." These characteristically unbending words were the last that John C. Calhoun spoke on the Senate floor. Back at his room, Calhoun's health deteriorated rapidly. Surrounded by his supporters, who attended to his needs, the South Carolina senator told them, "If I could have but one hour to speak in the Senate, I could do more good than on any previous occasion of my life." But such was not to be the case; Calhoun died on March 31.[21]

"No more shall we witness from yonder seat the flashes of that keen and penetrating eye of his, darting through this chamber," said Senator Henry Clay. "No more shall we behold that torrent of clear, concise, compact logic, poured out from his lips, which, if it did not always carry conviction to our judgment, commanded our great admiration."

This rare daguerreotype of Daniel Webster, made by Mathew Brady around 1850 and copied on a glass plate negative, captured the Massachusetts senator in a somber mood. *Library of Congress*

Mr. President, it is quite poignant to read the tributes of Henry Clay, Daniel Webster, and other senators to their fallen colleague, a man whom they recognized as a giant in his time. However, it must also be said that Calhoun's death facilitated the passage of the Compromise of 1850, removing, as it did, the most eloquent and forceful opponent of the measure.[22] Funeral services for Calhoun were held in the Senate chamber on April 2 with Vice President Fillmore presiding, and the Speaker of the House, Howell Cobb, and the president of the United States, Zachary

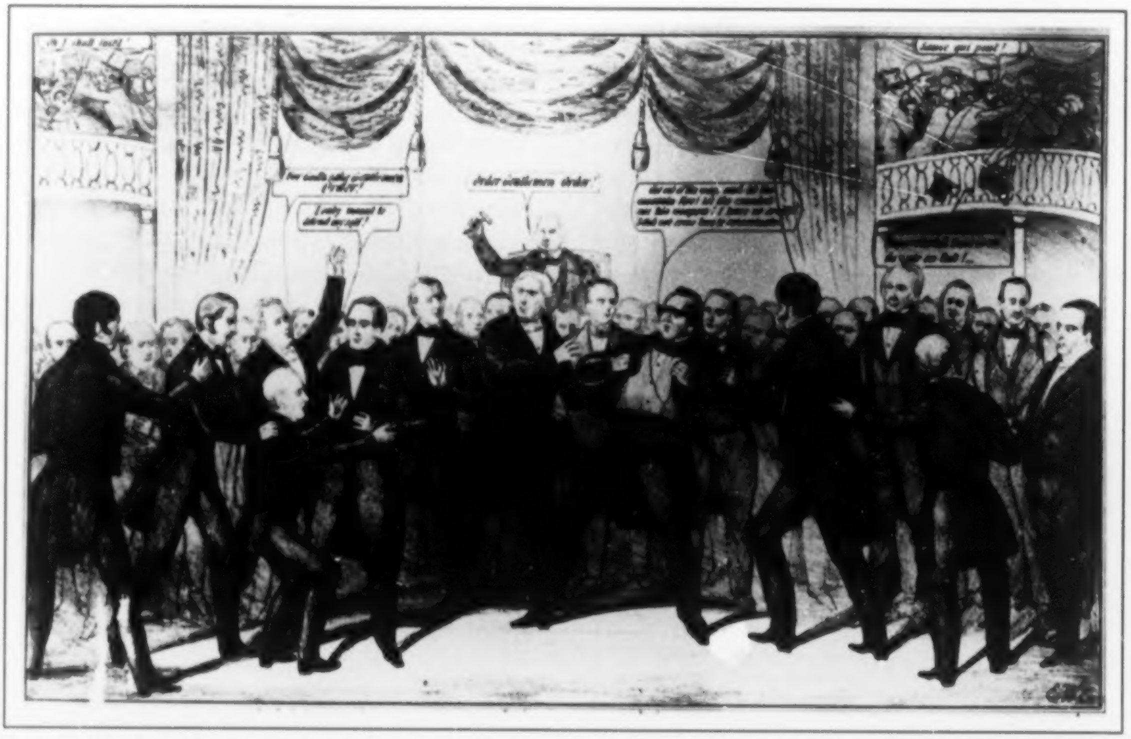
Taylor, leading the distinguished gathering of mourners. Senators Clay, Webster, Cass, Willie Mangum, William King, and John Berrien served as pallbearers, and the Senate chaplain, the Reverend C. M. Butler, delivered the sermon. Afterwards, the entire Senate accompanied the body to Congressional Cemetery, at the Anacostia River end of Pennsylvania Avenue here in Washington, for its temporary interment.[23]

Afterwards, the Senate resumed its deliberations on the compromise, specifically on Senator Foote's resolution to create a special committee of thirteen. Among the chief opponents of this resolution was Thomas Hart Benton of Missouri, the Magnificent Missourian, to whom I have so often referred in the past. Benton announced that he supported the admission of California as a state but opposed its being mixed in with the other provisions of the compromise. The South's fears against congressional interference with slavery were unjustified, said Benton. He pointed out that slaves as property were estimated to be worth a billion dollars, but that the Congress had never acted to tax this property. Why then expect Congress "to commit flagrant violations of the Constitution, to harass or destroy slave property?"[24]

Benton's biographer, Professor E. B. Smith, has written that "throughout the debates Foote did everything possible to provoke Benton into a physical attack or duel." Senator Foote was a tiny man with a large voice and sharp tongue, who excelled in debate but often demonstrated disregard for senatorial courtesy. The verbal sparring between Benton and Foote became so intense that Vice President Fillmore took the occasion to reverse a long-standing precedent. Fillmore noted that since the days when John C. Calhoun was vice president, the presiding officer had not attempted to call an unruly senator to order, assuming that some complaint must first come from another senator. But the vice president now insisted that he should intervene to preserve decorum in the Senate, and the members of the Senate agreed wholeheartedly.[25]

On April 17, Benton was discussing his amendment to prevent creation of the special committee to consider abolition. By proclaiming that it lacked the power to touch slavery, said Benton, Congress would prove that the country was "alarmed without reason, and against reason" over the whole slavery issue, and that it did not intend "to aggress against the South." Foote then accused Benton of having indirectly attacked the late Senator Calhoun. This taunt proved too much for the hulky, bearlike Senator Benton who began to move ominously towards the diminutive senator from Mississippi. Let me here read the description of the event as recorded by the reporter of debates:

> Here, Mr. Foote, who occupies a seat on the outer circle, in front of the Vice President's chair, retreated backwards down the aisle, towards the chair of the Vice President, with a pistol in his hand; Mr. Benton, a moment before, having suddenly risen from his seat and advanced by the aisle, outside the bar, towards him, following him into the aisle down which the Senator from Mississippi had retreated. In a moment almost every Senator was on his feet, and calls to "order;" demands for the Sergeant-at-Arms; requests that Senators would take their seats, from the Chair and from individual Senators, were repeatedly made. Mr. Benton was followed and arrested by Mr. Dodge, of Wisconsin, and, in the confusion and excitement which prevailed, he was heard to exclaim, from time to time: "I have no pistols!" "Let him fire!" "Stand out of the way!" "I have no pistols!" "I disdain to carry arms!" "Stand out of the way, and let the assassin fire!" While making these exclamations, Mr. Benton was brought back to his seat; but, breaking away from Mr. Dodge, of Wisconsin, who sought forcibly to detain him, he advanced again towards Mr. Foote, who stood near the Vice President's chair, on the right-hand side, surrounded by a number of Senators and others not members of the Senate. Mr. Dickinson took the pistol from the hand of Mr. Foote, and locked it up in his desk, and Mr. Foote, on the advice of Mr. Butler, returned to his seat.[26]


Order gentlemen order!

Cartoonist Edward Clay lampooned the dramatic scene on the Senate floor when Henry Foote aimed a pistol at Thomas Hart Benton during debate on the Compromise of 1850. *Library of Congress*

Mr. President, it is sad testimony, indeed, to the violence and turbulence of that era, to the divisions in the nation, and to the dangers to the Union that one member of the Senate felt compelled to draw a pistol against another senator on the Senate floor. A committee of inquiry investigated the matter, chided Senator Foote for indulging in personalities in debate, but did not recommend any punishment for him. As Professor Smith has noted:

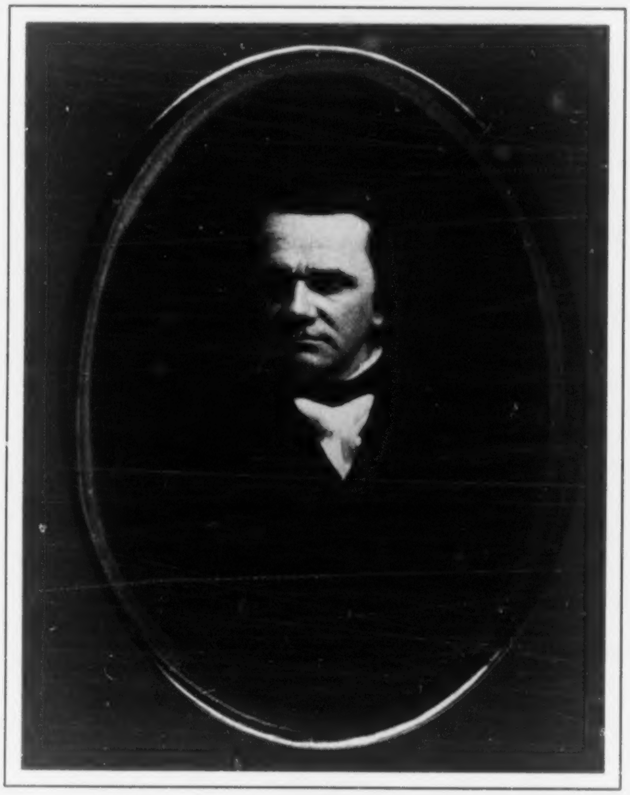
> Though Foote went unpunished, the adverse publicity, and perhaps the proof that Benton could be pushed too far, put a damper on his tongue, and formal exchanges between the two became relatively civil. Benton's only revenge, if such it could be called, was literary. When Foote later announced that he would write a little book in which Benton would play a major role, Benton sent word that he would write a very big book in which Foote would have no part whatever. Each kept his word.[27]

On April 18, the day after the Benton-Foote conflict, the Senate passed Foote's resolution by a vote of 30 to 22 and set up the Select Committee of Thirteen. Seven Whigs and six Democrats were appointed, but the real work of the committee—the preparation of its report—appears to have been entirely the product of its chairman, Henry Clay. On May 8, when the committee's report was presented to the Senate, it was substantially the same omnibus proposal that Clay had first introduced in January. Again, Henry Clay rose to defend his compromise; again, the opposition responded. Some urged the Kentuckian to break his omnibus bill into separate sections to at least enact some parts, but Clay persisted. The debate moved from April through May and June. Washington's weather turned hot, and some senators asked for a week's adjournment so that the heavy carpets and draperies could be removed from the chamber to cool things off; but Clay remained stubbornly opposed and pushed the Senate into debate daily, even moving the meeting time forward to eleven each morning rather than the customary noon hour. Not until the end of June were the carpets and draperies replaced with the light summer matting.[28]

Outside Washington, there were ominous rumblings. On June 3, delegates from nine southern states met in Nashville, where they discussed means of uniting the South. Disunion was in the air. The southern "fire-eaters" believed that slavery would never be safe so long as the South remained in the Union, and urged secession. Clay's resolution took some of the steam out of the Nashville Convention, for it seemed clear that the Senate was leaning towards a compromise that would protect slavery where it existed. The Nashville Convention passed a number of resolutions, endorsed the Missouri Compromise, and then disbanded. It was, however, a clear forerunner of the secession movement that would take place ten years later.[29]

Attacks on Clay's compromise continued in the Senate. During the month of June, historian Holman Hamilton noted, sixteen senators made twenty-eight attempts to amend sections of the omnibus bill. Six of these amendments were successful. These amendments suggested that Clay was steadily losing his support, and his omnibus bill was becoming desperately stalemated. One reason for the failure to reach accommodation was the increasing hostility of the Taylor administration to the compromise. The president made it clear that he intended to promote statehood for New Mexico no matter what Clay and other Whigs were doing in Congress. But, once again, death changed the course of history and claimed another opponent to the compromise. On July 4, 1850, President Taylor became ill after attending ceremonies at the Washington Monument construction site. Five days later, he died. Vice President Millard Fillmore became president. Fillmore, a northern Whig, was popular in Congress and appeared to be in sympathy with the omnibus bill.[30]

On July 22, Henry Clay, who spoke some seventy times for his compromise, delivered his last major address on the subject. The nation and its purpose were greater than any individual man, said Clay. "What if, in the march of this nation to greatness and power, we should be buried beneath the wheels that propel it onward? What are we—what is any man worth who is not ready and willing to sacrifice himself for the benefit of his country when it is necessary?" A week later, the omnibus bill came up for a vote in the Senate. At the last minute, however, supporters of the compromise made several hasty revisions to try to win additional southern votes. The move was a mistake, for it frightened northern moderates who saw too many concessions being made. On July 31, Senator James Pearce of Maryland, who was managing the bill on the floor, moved to strike out the whole section relating to New Mexico. Pearce wanted to remove an amendment affecting the boundary claims between Texas and New Mexico but, having won this deletion, found himself outvoted when he introduced amendments to reinstate the Texas boundary and New Mexico territorial government provisions. Then, opponents of the compromise rallied their forces to defeat the key section for admission of California. Clay's whole scheme had depended upon voting on the bill as a package, so that neither the North nor the South would fear that the other might gain a last-minute advantage. Pearce's ill-timed



The pragmatic Senator Stephen A. Douglas salvaged Henry Clay's compromise through skillful legislative maneuvering. *Library of Congress*

move had upset Clay's precaution and derailed his compromise. Thus, after six months of feverish work, Henry Clay stood defeated. Dejected and worn out, Clay left for a vacation, absenting himself from the Senate for the rest of the summer.[31]

"The omnibus is overturned," said Thomas Hart Benton, "and all the passengers spilled out." Calhoun was dead, Clay was off sulking, and Webster had resigned from the Senate to become secretary of state in President Fillmore's cabinet. The time had come for a new generation of senators to take the leadership. The most prominent among them was Stephen Douglas of Illinois. As chairman of the Committee on Territories, Douglas had been actively involved in the debate over the compromise but had remained independent of Clay's plan, even refusing a seat on the Committee of Thirteen. Douglas never had much hope for the passage of the omnibus bill. As he wrote to a friend, "By combining the measures into one Bill the Committee united the opponents of each measure instead of securing the friends of each. I have thought from the beginning that they made a mistake in this respect."[32]

Douglas took a different approach from Clay. Instead of introducing the compromise as a whole, he would tackle each section separately. First, he shepherded the Utah territorial bill to passage in the "precise words" that he wrote it. The California statehood bill came up and passed on August 13. Douglas also worked with the luckless Senator Pearce to prepare a new bill on the Texas boundary line. As soon as one section passed, Douglas brought up the next: Utah, Texas, California, New Mexico—each territorial issue was finally settled. Just two weeks after Clay's omnibus bill had "overturned," Douglas had hoisted it aright and enacted its various parts. Not for nothing would the short and stocky Senator Douglas win the title of Little Giant.[33]

Stephen Douglas succeeded where Henry Clay had failed because he was shrewd, skillful, and a Democrat. Clay had proved unable to hold together the Whig ranks behind his compromise and needed Democratic support to enact his program. Douglas appealed to broader support from Democratic senators, but he looked not to fashioning one large majority; instead, he patched together a series of ad hoc majorities to pass each of the compromise's various sections. Professor David Potter captured the shifting political tides in the Senate at this time:

> Douglas was astute enough to recognize that there was no workable majority in favor of compromise. But there were strong sectional blocs, in some cases northern, in others southern, in favor of each of the meas-

> ures separately, and there was a bloc in favor of compromise. This compromise bloc, voting first with one sectional bloc and then with the other, could form majorities for each of the measures, and all of them could thus be enacted.[34]

By September 1850, the Senate and House had completed work on the compromise. California was admitted as a free state, Deseret and New Mexico would remain territories, the slave trade was abolished in the District of Columbia, while a tough fugitive slave law went into effect. President Millard Fillmore lent support to the package and signed the measures that Congress had sent him. Thus it is, that the famous Whitechurch engraving is incorrect or, at least, misleading. The Compromise of 1850 was more the result of Stephen Douglas' legislative shrewdness than of Henry Clay's leadership.

The Compromise of 1850 was the last hurrah for the Senate's Big Three. Within two years, Henry Clay and Daniel Webster would follow John C. Calhoun in death. Their beloved Whig party would not survive the decade. Voting in the Senate on the compromise had revealed the sectional divisions of that party. Ninety percent of the northern Whigs in the Senate had opposed the compromise, while 80 percent of the southern Whigs supported it. As Professor Van Deusen has noted, "Division over slavery had become so pronounced in the House that anything like Whig party unity ceased to exist." Northern and southern Whigs began to distrust each other deeply, and some southern Whig leaders seceded from the party to form the new Constitutional Union party, which became strong in Georgia, Alabama, Mississippi, and Florida. Never again did the Whig party control a majority in either house of Congress. Never again did it elect a president. By 1860, most southern Whigs had become Democrats, and most northern Whigs had become Republicans, although political divisions are never completely clear-cut.[35]

How, then, do we assess the Compromise of 1850? Knowing, as we do, that the Civil War broke out a decade later, the compromise obviously did not succeed in its most important objective: to hold the nation together. Tensions in the Senate increased, rather than abated, during the years after the compromise. Symbolically, when Daniel Webster, supporter of the compromise, left the Senate, Charles Sumner, an avid antislavery and anticompromise man, was elected to his seat. During the 1850's, sectional differences became polarized in the Senate, with men like Sumner increasingly speaking for the North, and men like Jefferson Davis speaking for the South.

As for the territorial issue, Senator Salmon Chase of Ohio correctly noted, "The question of slavery in the territories has been avoided. It has not been settled." [36] Only the fate of California was sure; it was not at all certain whether the remaining territories would be admitted as slave or free states. Indeed, in just four years, the territorial question would explode again with even more devastating force, and the agent of that explosion would be the very man who assured passage of the Compromise of 1850, Stephen Douglas. In addition, the new fugitive slave law would create great moral indignation in the North, as federal agents sought slaves who had escaped to freedom. Two years later, the Washington newspaper *National Era* would begin serializing a novel inspired by the Fugitive Slave Act. That book, *Uncle Tom's Cabin,* became perhaps the most influential novel in American history, helping to galvanize northern opposition to slavery and southern distrust of the North.

Mr. President, looking back through history, we recognize the failures of the compromise in ways that its authors could never have predicted. Nonetheless, we owe these senators some credit. They were fulfilling their responsibilities as political leaders to seek a reasonable accommodation of all sides and a peaceful settlement of a highly inflamed issue. Perhaps the issues of slavery and antislavery were too fundamental and deep-rooted for political solutions, but, considering the alternative of civil war, it was certainly worth every effort of the senators in that long and arduous first session of the Thirty-first Congress to try to prevent it. Perhaps the greatest credit we can give them is to note that the Civil War began in 1861 rather than 1851; for, if the war had broken out during the 1850's, when such weak reeds as Fillmore, Pierce, and Buchanan occupied the White House, and when public opinion in the North was still divided over the slavery issue, we might today be two nations rather than one. The Compromise of 1850, at least, bought time.

CHAPTER 12

The Turbulent 1850's

February 24, 1983

Mr. President, it is one of the ironies of American history that in the decade preceding the Civil War, the states and sections were growing more interdependent. Southern and western agriculture supplied northern industry, which, in turn, provided those regions with consumer goods. The Mississippi River carried an increasingly heavy North-South trade, and Senator Stephen A. Douglas, the manager of the Compromise of 1850, was fighting hard for a transcontinental railroad to link the Atlantic and Pacific. In fact, it may well have been his fight in the Senate to build that railroad that unleashed the full fury of sectionalism which the compromise had attempted to contain. The paradoxes of the Kansas-Nebraska Act of 1854, and the turbulent years that followed, will be the subject of my remarks today in my continuing series of addresses on the history of the United States Senate.

As senator from Illinois and chairman of the Senate Committee on Territories, Stephen Douglas was most interested in settling the western territorial issues so that a transcontinental railroad could be built from Chicago to California. Of most immediate concern to him was the Nebraska territory—an area covering present-day Kansas, Nebraska, North and South Dakota, and Montana. Any railroad out of Chicago would necessarily pass westward through this territory, but the Nebraska territory lay north of the Missouri Compromise line and was, therefore, closed to slavery. Southern senators opposed such a route and threatened to filibuster against it. They, instead, favored a southern route through Texas. If Senator Douglas was to succeed, he would have to find some means of organizing the Nebraska territory that would be acceptable to both the North and the South.

On January 4, 1854, Douglas introduced a bill to organize the territory "with or without slavery, as their constitutions may prescribe at the time of admission." While this provision clearly contradicted the Missouri Compromise of 1820, which prohibited slavery north of the thirty-sixth degree of latitude, it was not strong enough to please proponents of slavery. Led by Senator David Atchison of Missouri, they pressed for an explicit repeal of the Missouri Compromise. It was Senator Archibald Dixon, a Kentucky Whig, who took Stephen Douglas, an Illinois Democrat, aside to convince him that only the repeal of the prohibition on slavery in the territories would save his bill. "By God, Sir, you are right," Douglas responded at last. "I will incorporate it in my bill, though I know it will raise a hell of a storm." [1] He was correct in anticipating the ferocity of opposition to his measure.

On January 24, Douglas introduced his revised bill, which now divided the territory into Nebraska to the north and Kansas to the south. Contained in the Kansas-Nebraska bill was the explicit repeal of the Missouri Compromise which southerners had demanded. Senator Salmon P. Chase of Ohio then rose to request a postponement in the debate over the bill since few senators had had the opportunity to read the new version. Douglas graciously acceded to this request, not knowing that Chase and Massachusetts Senator Charles Sumner, both abolitionists, had already prepared a stinging denunciation of his bill for publication as "The Appeal of the Independent Democrats." They wanted the debate held up until their charges could appear in the newspapers. Their broadside denounced Douglas for betraying the nation to "slavery despotism" by permitting slavery into the territories. After publication of this appeal, as Professor David Potter has noted, the Nebraska bill ceased to be primarily a railroad question and became, instead, a slavery question.[2]

When debate on the Kansas-Nebraska bill resumed on January 30, 1854, Senator Douglas was clearly a very angry man. "Sir," he said on the Senate floor, "little did I suppose at the time that I granted that act of courtesy to the two Senators, that they had drafted and published to the world a document, over their own signatures, in which they had arraigned me as having been guilty of a criminal betrayal of my trust, as having been guilty of an act of bad faith, . . . against the cause of free government." Douglas had good reason for anger; the opponents of his measure had personalized the issue by identifying it with him and had stirred public sentiment against the senator throughout the North. Public opinion so turned against him that Douglas later remarked that he could ride all the way from Washington to Chicago by the light of his burning effigy. The antislavery senators, however, denied that they intended to make Douglas himself the object of their attack. "Sir, our offense is that we deny the nationality of slavery," Senator Chase responded. "All that we have ever insisted upon is, that the Territories of this Union shall be preserved from slavery." [3]

These speeches set the tone for the three and a half months of debate that followed. On February 6, 1854, for instance, the new senator from Ohio, the vituperative Ben Wade, jumped into the fray with a fiery speech against Douglas. He had been but a young man when Congress passed the Missouri Compromise in 1820 to save the Union, Wade recalled, and was also not a member of the Senate when the Compromise of 1850 was passed to soothe sectional anxieties. Now, he professed to have been shocked when the chairman of the Committee on Territories announced that the 1850 compromise had superceded that of 1820 and wiped out the Missouri line between slavery and freedom. What was at stake, Wade insisted, was a vast territory, "large as an empire. . . . It is pure as nature; it is beautiful as the garden of God," and it should not be sullied by slavery. Free farmers of the North should not be degraded by working on the same level as slaves. "I am a believer in the Declaration of Independence," said Ben Wade. "I believe that it was a declaration from Almighty God, that all men are created free and equal, and have the same inherent rights."

Senator Dixon of Kentucky was immediately upon his feet. "Does the Senator mean that the slave is equal to those free laborers that he speaks of in the North?" Dixon asked.

"Certainly; certainly," replied Wade. "The slave, in my judgment is equal to everybody else, but is degraded by the nefarious acts and selfishness of the master, who compels him, by open force and without right, to serve him alone."

"Does the Senator," Dixon persisted, "consider the free negroes in his State as equal to the free white people?"

"Yes," said Wade. "Why not equal? Do they not all have their life by Almighty God?"

Antislavery senators like Wade were willing to accept that the Constitution of the United States was itself a compromise between the free states and slave states. Although the Constitution had prohibited the importation of slaves after 1808, it had established a system whereby three-fifths of the slaves would be counted for purposes of apportioning representation, thereby increasing southern power in the House of Representatives. In effect, the Constitution recognized and permitted slavery, at least where it already existed. The North had helped to enforce the law and had accepted the institution of slavery in the South, although northern states had themselves abolished slavery long before. But, said Ben Wade, "what will be said when you have thrown down the gauntlet on the other side, and told us that compromises for our benefit mean nothing at all?" [4]

Southerners, in contrast, argued that they had inherited the institution of slavery. Senator James C. Jones of Tennessee complained that Wade's speech had been "a tirade of abuse and denunciation of an institution which had descended to us from the fathers of the Republic." The very men who had fought the battles for liberty and independence, George Washington, Thomas Jefferson, James Madison, and so many others, had been owners of slaves. From these "fathers of the Republic," southerners had inherited slavery as an economic and social system, and they could not conceive of life and orderly society without it. Abolition of slavery, as they saw it, would mean the collapse of their economy and ultimate economic domination by the industrial North.

Slavery also provided a system of absolute racial superiority, and its unraveling was feared. For southerners, the question was the legitimacy of their peculiar institution. If slavery was not an evil, but a necessity, then it should not be forever boxed into a limited geographic area. Southerners, like those from other states, should be permitted to expand westward—or even southward into the Caribbean.

For northerners, whether they morally accepted or rejected the institution of slavery—and there was no unanimity in the North over the question—the extension of slavery would undermine the ideals of the nation. The very existence of slavery made a mockery of the words "all men are created equal." Its extension meant a degradation of labor. Individual farmers would be placed in unfair competition with slaveowners and slave labor in the fields. The future of America, the Garden of Eden that they wanted, would be corrupted with the spread of slavery.

The lines were being drawn sharply; so sharply that they divided members of the same party. As Senator Jones, a southern Whig, responded to Senator Wade, a northern whig, "If he [Wade] considered the association which has bound us together as members of the great Whig party to imply that I had any affinities with the doctrines which he proclaims here to-day, I now and forever eschew any such understanding, intention, or purpose. . . . I utterly deny that it ever was, or ever can be, a principle of the Whig party, to inveigh against the institu-

The old Senate chamber, ornate in crimson and gold, was restored in 1976 to its appearance at the time of the turbulent 1850's.
John O. Hamilton/U.S. Senate Historical Office

tions of the country which have descended to us from our fathers." The antislavery advocates, however, remained decidedly in the minority in both parties, and the efforts of Chase, Sumner, Wade, and others to strike from the Kansas-Nebraska bill the language which nullified the Missouri Compromise, lost by a vote of 13 to 30.[5]

An air of tension filled the old Senate chamber during the debate over the Kansas-Nebraska bill. Senators huddled together in frequent, and sometimes frantic, caucuses preparing amendments and other strategy. Senator Douglas, as floor manager for the bill, stayed largely in the background and allowed others to indulge in oratory. Senator Chase of Ohio—a formidable opponent who later became chief justice of the United States—led the antislavery forces. Although decidedly in the minority, Chase exploited all the weaknesses and ambiguities in the bill, forcing Douglas to take more clear-cut stands than he had hoped would be necessary. How, for instance, should the popular sovereignty aspects of the bill be interpreted? Chase maintained that it would give the people of the territories, through their territorial legislatures, the power to ban slavery. This was indeed true, although Douglas had been arguing a policy of noninterference with slavery in the territories. That the territories should have the power to allow slavery was a considerable change in emphasis. Chase's pressure on this point helped to raise southern doubts and fears about the results of the Kansas-Nebraska Act.[6]

Senator Douglas and other northern advocates of the bill simply did not believe that slavery would be economically feasible on the frontier. The climate and geography of the Plains territories would be inhospitable to the large-scale plantation farming that existed in the South. The majority of the settlers in these territories would be subsistence farmers, relying more on family labor than slave labor; and when these territories reached the stage of applying for statehood, their citizens would most likely adopt antislavery constitutions. But, while Douglas believed this, he could not openly argue it without losing southern support.

Public opinion weighed on everyone's mind, and the Kansas-Nebraska bill was stirring up hostile reactions in both the North and the South. Senator Lewis Cass, a supporter of the bill, recounted to the Senate his synopsis of the opposition's accusations. "The bill is a silent, halting, creeping, limping, squinting motion, conceived in the dark, and midwifed in a committee room." He went on to quote more flamboyant charges made against the bill by several of its opponents. "It is crooked, insidious, and pusillanimous." "It is a farrago, an olla-podrida [a highly seasoned Spanish stew, also known as rotton pot]." "It is a juggle worthy of the trick of one egg under three hats." "It is buttered on both sides. . . . It is untrue, contradictory, suicidal, and preposterous." "It is a shilly-shally, willy-won'ty, don'ty-can'ty, style of legislation." [7]

As the debate wore on, as Professor Robert Johannsen has written in his stirring biography of Stephen Douglas, "the exhaustion of the Senators took its toll as they became increasingly impatient and irascible, quick to take affront and magnifying small details into major issues. Insults were hurled and denied, and quarrels broke out even among friends of the bill." [8] All of this climaxed on the afternoon and evening of March 3, 1854. The debate lasted all night. Douglas did not gain the floor until nearly midnight. "Will the senators give way to a motion to adjourn?" he asked. "Oh, no! Oh, no!" came the reply. Douglas then offered to waive his final speech, but again the crowd responded: "Oh, no; go on."

One of those who witnessed Douglas' speech that night was the assistant doorkeeper, Isaac Bassett. Bassett recorded in his diary that this speech was one of Douglas' greatest and most memorable efforts. The galleries were filled with a brilliant array of ladies and gentlemen. Ladies who could not find seats in the galleries were invited onto the Senate floor. The appearance of Senator Douglas provoked applause from the assembled crowd, which sat through his entire three-hour address, late into the night. Isaac Bassett gives us a vivid description of the "Little Giant," Stephen Douglas, whom he called

> one of the foremost debaters in the Senate. He had a rich voice, fluent in speech. . . . He was short in stature, broad-shouldered, deep-chested [with] a large developed head . . . somewhat like Daniel Webster's. . . . In person he was considerably below the common height of men. Thick set, large expanding chest, remarkable large head, dark hair and eyes. Wide of mouth, he had a loud, full voice. As a speaker he was forcible, strong, clear, rapid. As he progresses he throws his whole *soul* into a subject.

As Bassett recalled, "The multitude hung upon his words."[9]

Senator Douglas concluded debate on the Kansas-Nebraska bill with a lucid, well-reasoned speech. He held back no scorn for the arguments of his four leading opponents, Seward, Chase, Wade, and Sumner. Popular sovereignty, he insisted, would solve the sectional problems of the country and provide for the peaceful settlement of the great western territories. "You cannot fix bounds to the onward march of the great and growing country," Douglas told the Senate. "You cannot fetter the limbs of the young giant. He will burst all your chains. He will expand, grow, and increase, and extend civilization, christianity and liberal principles." At last, at five in the morning, after seventeen hours of continuous debate, the Senate was ready to vote. Earlier in a private letter, Douglas had predicted that, if the full Senate voted, he would win by a margin of 45 to 17. As it transpired, the Senate vote was 37 to 14, showing that the Little Giant was only a fair head counter.[10]

Debate then shifted to the House of Representatives, and Senator Douglas was present at almost every session in which the House took up the Kansas-Nebraska bill, rallying its supporters. The House passed the bill on May 22, and President Franklin Pierce signed it into law on May 30. No one, especially not its sponsor, could imagine what a fury this bill would unleash.

Mr. President, it is outside the intended scope of my speech to describe in detail the events that followed the passage of the Kansas-Nebraska Act. We may remember how northern abolitionists sponsored antislavery settlers to move into Kansas, and how proslavery Missourians crossed the border into Kansas to outvote northern settlers. Douglas' bill and his dream of popular sovereignty had not led to peaceful settlement but to open warfare between partisans of both sides, with Kansas as the stage and the nation as the audience. The antislavery settlers located in and around the town of Lawrence. The proslavery forces concentrated at Leavenworth. After an election marked by thinly disguised election frauds, the proslavery settlers elected a territorial government which immediately passed laws to permit slavery in Kansas and to make it illegal even to question the right to hold slaves. Meanwhile, the antislavery forces elected their own governor and legislature. Two Kansases existed, and each petitioned the federal government for recognition as a state.[11]

Senator Douglas was appalled by this course of events. By all accounts, Douglas was an ambitious man who had hoped for the Democratic nomination for president in 1852 and 1856; but, on both occasions, the nod went to lesser men, Franklin Pierce and James Buchanan, both "Northern men with

Southern principles." The intense reaction against the Kansas-Nebraska Act throughout the North clearly threatened Douglas' presidential chances. He became the personification of the bill and the subject of countless petitions from clergy and other northern groups denouncing him for his role in its passage. Douglas also became the target of a new political party that sprang from the opposition to his bill.

The "Appeal of the Independent Democrats" had galvanized antislavery forces. Many members of the Free Soil party and those who identified themselves as Free Soil Democrats began to rally together with antislavery Whigs. On March 20, 1854, in Ripon, Wisconsin, a meeting of those opposed to the Kansas-Nebraska Act proposed the creation of a new party to be called the Republican party. *New-York Tribune* editor Horace Greeley presented the idea of this new party to the country with surprising speed and force. Antislavery Whig senators like Ben Wade abandoned their party to join the Republicans, as did Free Soil Democrats like Senator Charles Sumner. Republicans ran a strong race in the elections of 1854, and Douglas' home state of Illinois elected a Republican senator, Lyman Trumbull (who defeated former Congressman Abraham Lincoln among others). The Democrats retained their majority in the Senate but lost control of the House to the new party.[12]

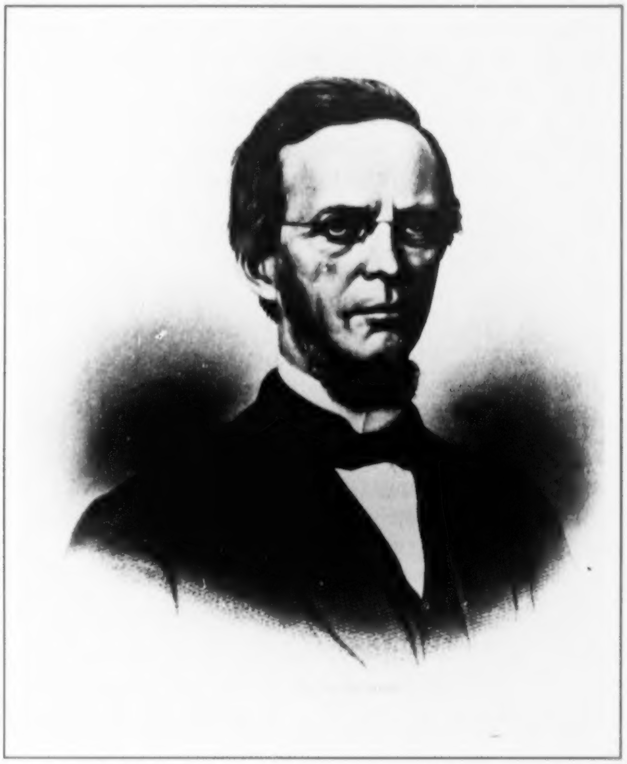
When the Thirty-fourth Congress opened on December 3, 1855, opponents of the Kansas-Nebraska Act immediately seized the initiative. New Hampshire Senator John Hale introduced the following resolution on December 6:

> *Resolved,* That the President of the United States be requested to inform the Senate whether he has received any evidence of such resistance to the execution of the laws in Kansas as to require the interposition of military force for the restoration or preservation of law and order in that Territory; and if he has received such evidence, that he will lay the same before the Senate, and also copies of any order which may have been issued by his authority for the employment of military force in said Territory, if any such order has been issued.[13]

The Senate, however, carried on no substantive business throughout December and into January 1856 because the House was locked in a protracted battle over the election of a Speaker. Meanwhile, the situation in Kansas worsened. The territorial governor appealed to President Pierce for federal troops to maintain order. On January 24, Pierce notified Congress that he had decided "it is not the duty of the President of the United States to volunteer interposition by force to preserve the purity of elections either in a State or Territory." Pierce recommended, instead, that Kansas be permitted to organize into a state government, to "dispose of the question itself [slavery] which constitutes the inducement or occasion of internal agitation and of external interference." Thus, the House was disorganized, the Senate paralyzed, the president timid, and the situation grave.[14]

During this period, Senator Stephen Douglas was absent from Washington, suffering from a severe case of bronchitis. He returned, still weak and fatigued, in early February 1856, but once again tried to seize the leadership on the controversial territorial issue. As chairman of the Committee on Territories, Douglas immediately went to work on a committee report to make Kansas a state. On March 12, he submitted the forty-page report to the Senate and read it aloud for some two hours. This report, as Douglas' biographer has noted, was

> . . . a significant step in the development of Douglas' view of popular sovereignty. No longer satisfied merely to defend it as an expedient, or even as a moral right, he now sought a legal and constitutional basis for his position. Congress' power to create territories derived from the power to admit new states; in organiz-



Freshman Senator Lyman Trumbull sparred with elder statesman Stephen Douglas during the Kansas debates. *U.S. Senate Historical Office*

> ing a territory, Congress must not impose any limitation that would destroy or impair the equality of the proposed state with the original states.

While Douglas and the committee's majority wanted the issue decided by the Kansas settlers, Senator Jacob Collamer of Vermont presented the minority report, which proposed that Kansas be admitted as a free state. [15]

Douglas' report brought oratorical rebuttal from Senators Charles Sumner and William Seward, but it was the Senate's newest member, the junior senator from Douglas' home state, Lyman Trumbull, who drew the greatest attention. All eyes fixed on Trumbull when he rose in the Senate to speak on March 14, 1856. Trumbull dismissed Douglas' theory of popular sovereignty for its "vagueness and uncertainty." He quoted from the Territories Committee's report that northern settlers had moved west to "abolitionize" Kansas:

> What! "*abolitionize*" Kansas! It was said on all sides of the Senate Chamber, that it was never meant to have slavery go into Kansas. What is meant, then, by abolitionizing Kansas? Is it abolitionizing a Territory already free, and which was never meant to be anything but free, for free-State men to settle it? I cannot understand the force of such language. [16]

During Trumbull's speech, Senator Douglas entered the chamber and sought recognition. Furious that Trumbull had not notified him in advance of the speech, Douglas explained that he had been absent due to ill health. "I never dreamed that any man in this body would so far forget the courtesies of life, and the well known usages of the Senate, to make an assault in my absence in violation of the distinct understanding of the body when the subject was postponed." Since Trumbull's speech would not be published in the *Congressional Globe* until the following Monday, Douglas announced that he would give his own rebuttal the next week, after he had had the opportunity to read Trumbull's charges. [17]

Thursday, March 20, was the appointed day for Douglas' remarks. As was so often the case during those great nineteenth-century debates, it seemed as if the whole population of Washington sought admittance to the Senate galleries. Isaac Bassett recorded in his diary that "the ladies from a very early hour filled the Galleries occupying even that assigned to the Reporters." Stephen Douglas had a great reputation as an orator, and, on that occasion, he did not disappoint his listeners. Dressed in a black suit with his frock coat buttoned to his chin to protect his ailing throat, Douglas addressed the Senate for some two and a half hours.

Douglas began by berating his Illinois colleague, Lyman Trumbull, for having deserted the Democratic party and having allied himself with "Black Republicanism." He defended his report and his theory of popular sovereignty, and taunted his opponents by noting that the free-state settlers in Kansas wanted to ban the immigration not only of slaves but also of free blacks into their territory at the same time they claimed to be "especial friends of the negro." Popular sovereignty would work, he insisted, but it was being subverted by "two rival and hostile systems of emigration," being organized by extremists in the North and South to capture Kansas. Douglas' remarks, Professor Johannsen concluded, aroused admiration and praise, if not always agreement. But for all of Douglas' efforts, he could not bring the Kansas statehood bill to a quick vote, and the debate went on for months.[18]

The year 1856 was a presidential election year, and Douglas was a leading candidate for the Democratic party's nominee. But he had come to epitomize the Kansas controversy and had become the target of abuse from both northern and southern partisans. "Douglas has brains," wrote a reporter for the *New-York Tribune,* "but so has the Devil, so had Judas and Benedict Arnold." Another detractor was Massachusetts' patrician Senator Charles Sumner. To the tall and haughty Sumner, the short and stocky Douglas was "a brutal vulgar man without delicacy or scholarship [who] looks as if he needed clean linen and should be put under a shower bath." It is hard to imagine two more dissimilar men than Douglas and Sumner, violently opposite in politics, style, and demeanor. But in that year of 1856, both men became national symbols: Douglas, of the popular sovereignty approach to the territorial issue; and Sumner, of the unyielding Free Soil approach. Senator Sumner also became a symbol of the violent current bubbling just below the surface of this political controversy.[19]

For two months, Sumner prepared an elaborate speech in defense of the free-state government of Kansas; moreover, he intended the speech to defend his home state for its support of the Free Soil movement and to attack Douglas and the leaders of the South. Senator Sumner was not considered a man of moderation, tact, and conciliation. But, even for him, his "Crime Against Kansas" speech was extreme in its bitterness and reckless in its denunciations. Again, the galleries were packed on May 19 when Sumner addressed the chamber. Sumner denounced the Kansas-Nebraska Act as a "swindle" and claimed that Douglas' popular sovereignty had resulted in "popular slavery." During this speech, Sumner described Douglas as the "Sancho Panza" of slavery and ascribed the role of Don Quixote to South Carolina's Senator Andrew Butler.

Sumner was particularly severe in dealing with the sixty-year-old States' Rights Democrat, Butler, who was not present in the chamber during the attack. Here is a portion of his remarks:

> The Senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who, though ugly to others, is always lovely to him; though polluted in the sight of the world, is chaste in his sight—I mean the harlot, Slavery. For her, his tongue is always profuse in words. Let her be impeached in character, or any proposition made to shut her out from the extension of her wantonness, and no extravagance of manner or hardihood of assertion is then too great for this Senator. The frenzy of Don Quixote, in behalf of his wench, Dulcinea del Toboso, is all surpassed.[20]

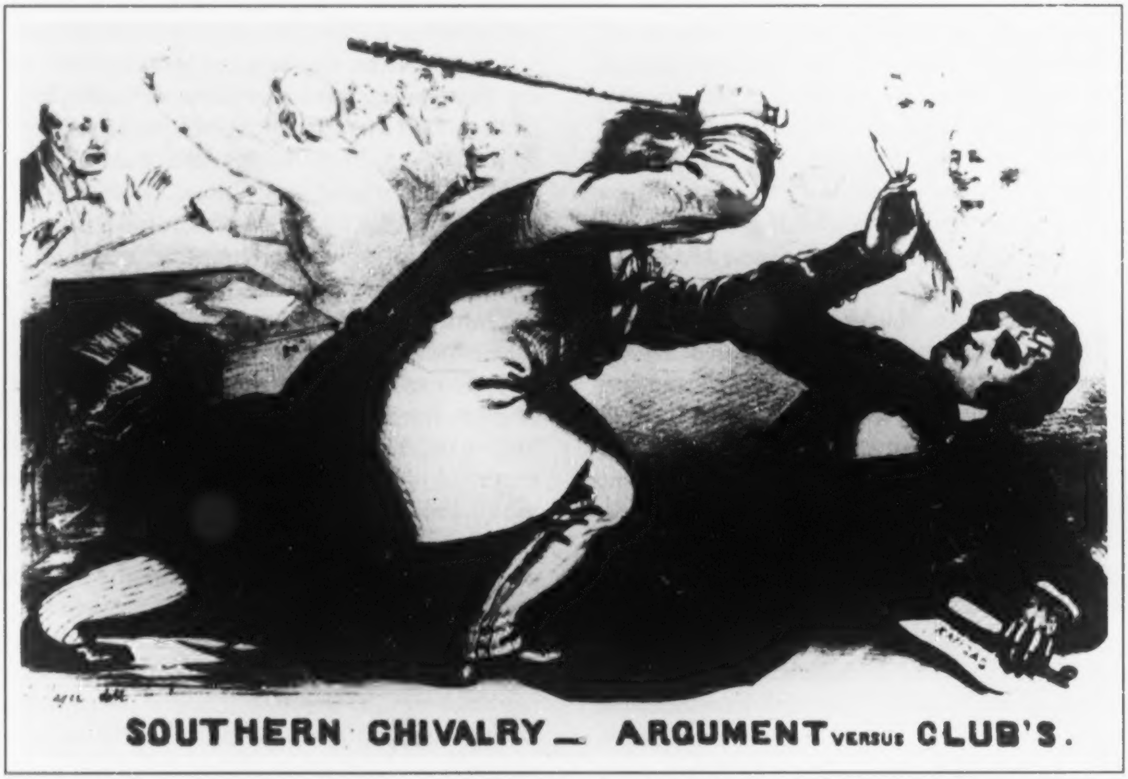
Strong words! Today, such remarks probably would be ruled out of order as a violation of Senate Rule 19, prohibiting senators from impugning the conduct of other senators. In 1856, however, the Senate had no such rule, although *Jefferson's Manual,* which was not binding on the Senate, prohibited speakers from "reviling, nipping, or unmannerly words against a particular member." Charles Sumner had clearly stretched the bounds of decorum to their utmost limit. One of Sumner's admirers, the Senate's principal clerk, Lewis Machen, wrote to his son that Sumner's rhetoric had not been exhibited "since the palmy days of Webster," but that he regretted that the senator had indulged in personal expressions whose only effect would be to "irritate and wound."[21]

Irritate, they certainly did. Sumner's words irritated, wounded, and inflamed many in Washington, most notably Senator Butler's kinsman, Representative Preston Brooks of South Carolina. Brooks had been among the crowd in the Senate chamber that had heard Sumner's allusions to Butler as Don Quixote. "I felt it to be my duty to relieve Butler and avenge the insult to my State," Brooks wrote to his brother. He chose as his weapon a gutta-percha walking stick with a gold handle. At first, Brooks planned to assault Sumner on the Capitol grounds but when the senator failed to pass by, the congressman sought him in the Senate chamber.

It was 12:45 p.m., on Thursday, May 22, 1856, when the Senate adjourned in memory of a recently deceased member of the House. Sumner was seated at his desk in the rear row of the Senate chamber, franking copies of his "Crime Against Kansas" speech to send to his constituents. Brooks approached him from the front aisle and called his name. As Sumner looked up, Brooks said (according to Senate employee Isaac Bassett, who witnessed the scene), "I have come over from the House to chastize you for the remarks that you made against my relation, Senator Butler. I have read your speech and it is a libel on South Carolina." As Brooks spoke those words, he raised his cane and brought it down upon Sumner's head, and then again and again and again in fury. Sumner, dazed from the blows and blinded by blood, lurched up from his desk which was bolted to the floor, ripping it loose as he struggled to stand. Sumner lifted his arms to protect himself, but the blows fell about his head and neck and shoulders until the cane had smashed itself to pieces against his body. Witnesses described Sumner "reeling around against the seats, backwards and forwards." All this took place within a minute's time, before any of the other senators or staff could come to Sumner's aid.[22]

Senator Cass and Isaac Bassett rushed to assist the injured Sumner. They lifted him up and brought him into the reception room. There, Bassett got towels and a basin of water and washed his head, which bled profusely. A physician was called for, and at first it was feared that the blows had fractured his skull. Soon, it was determined that the wounds were serious but not fatal, and the senator was able to walk down the Capitol steps and take a carriage back to his lodgings.[23]

We can imagine the commotion in the Senate chamber at the time. Brooks had appeared in the chamber with two House members for protection, Representatives Laurence Keitt of South Carolina and Henry Edmundson of Virginia. Few senators had been present in the chamber, since the Senate had adjourned for the day, and even fewer wished to come to the unpopular Sumner's rescue. Indeed, it was another House member, Ambrose Murray of New York, who grabbed Brooks' arm to prevent him from further striking Sumner. During the melee, Whig Senator John J. Crittenden of Kentucky approached Brooks to denounce the use of force in the Senate chamber. When Congressman Keitt lifted his cane against Crittenden, Georgia Senator Robert


SOUTHERN CHIVALRY — ARGUMENT versus CLUB'S.

A sympathetic northern cartoonist portrayed Senator Charles Sumner's May 1856 beating by South Carolina Representative Preston Brooks. *New York Public Library*

Toombs came to the elderly Kentuckian's defense.[24]

During the assault, Senator Douglas had been talking with colleagues in the reception room. When a messenger burst in with the news that Sumner was being attacked, Douglas jumped to his feet but then thought the better of it. Considering his poor relations with Sumner, he decided against becoming involved. Indeed, Senator Sumner later stated that he thought Douglas had accompanied Congressman Brooks—a mistake he made perhaps because the nearsighted Sumner was not wearing his glasses during the attack. But later, when Sumner had left the Capitol and staff members were picking up the papers that had been scattered throughout the chamber, Douglas approached the staff member who had found the gold handle (all that was left intact of Brooks' cane) and asked to keep it as a memento of the occasion.[25]

Mr. President, it is appalling, even to this day, to think of such an unprecedented—and fortunately never repeated—attack on a member of the Senate as he sat at his desk in the chamber. The caning of Senator Sumner became a symbol of the rising tide of violence between the North and the South and of the tensions under which the political leaders of the nation had to deal. Sumner became a hero to the North, just as Brooks became a hero to many in the South. Brooks and his companions walked out of the Senate chamber unhindered that day. The House debated expelling him for his actions but failed to do so on a straight party-line vote. Brooks then resigned his seat and was immediately reelected by voters in his district. Death, however, cut short this mercurial and hot-tempered young man; Preston Brooks died six months later at the age of thirty-eight. His companions, Keitt and Edmundson, were also brought before the House on charges. The House voted to censure Laurence Keitt, who then resigned and was reelected. A similar censure vote against Henry Edmundson was unsuccessful. It is amazing that their behavior was so lightly punished. Sumner, in the meantime, began a long and painful recuperation, which kept him absent from the Senate for the next three years. Some of his critics charged that he was afraid to return, and his biographer, Professor David Donald, has suggested that there were psychosomatic reasons for this long absence, but the fact is that Sumner's empty chair in the chamber was a powerful reminder to those who felt that the day for compromise over slavery had ended.[26]

The Senate appointed a committee of five to investigate the caning of Charles Sumner, and debate over the issue was often heated and furious. Out in Kansas, events turned even more ominous. Word reached Washington that proslavery forces had sacked the antislavery capital of Lawrence. Thus, "Bleeding Kansas" and "Bleeding Sumner" became rallying cries for the North. Nor were acts of atrocity limited to proslavery factions. In response to the sack of Lawrence, in which the newspaper presses, hotel, and a few houses were burned, a fanatic named John Brown raised a small posse to wreak vengeance, killing five proslavery settlers at Pottawatomie Creek. Civil war had broken out in Kansas. These events worked against the presidential candidacy of Stephen A. Douglas, who had hoped to win recognition for his political compromises to settle the territorial issue; instead, Douglas was again passed over for the Democratic nomination, which this time went to James Buchanan. A former senator and secretary of state, Buchanan had the advantage of being absent from the country during the past trying years, as ambassador to the court of St. James. Another "Northern man with Southern principles," Buchanan was popular among southern Democrats.

The new Republican party nominated its first candidate for the presidency, the flamboyant explorer, military man, and former senator from California (as well as the son-in-law of Thomas Hart Benton), John C. Frémont. Although Buchanan defeated Frémont, Frémont's very candidacy as an antislavery Republican struck fear in many southern hearts, and talk of secession spread through such states as South Carolina and Virginia. Frémont's strong showing in many northern states seemed to portend a Republican victory in the not-too-distant future, which southerners saw as the end of the Union.

As historian Roy Nichols noted, the Democratic victory of 1856 settled nothing. It merely established a four-year truce. President Buchanan began his administration with a vain hope that the territorial issue could be solved not by the Congress or by his administration, but by the Supreme Court. Chief Justice Roger Taney had let the president know that the court would soon hand down a landmark decision on slavery in the territories. On the day that the Senate considered Buchanan's cabinet nominees, one flight below in the old Supreme Court chamber, Chief Justice Taney read the majority opinion in the now famous *Dred Scott* case. No matter what the fuss had been over the Kansas-Nebraska Act, the court ruled that the Missouri Compromise had been unconstitutional to start with, on the grounds that Congress could not deny rights in the territories that were enjoyed in the states.

The Republican party's platform was thus declared unconstitutional. It was folly for the court to believe they could settle such an emotional issue so simply.[27]

In the election of 1856, the Democratic party regained control of the House of Representatives and retained its majority in the Senate; but the party had lost an important internal balance. Whereas, before the controversy over the Kansas-Nebraska Act, the Democrats had been divided roughly equally between North and South, now the southern Democrats had a commanding lead in both houses: 75 to 53 in the House, and 25 to 12 in the Senate. This erosion of the northern Democratic bloc weakened the role of Stephen Douglas and correspondingly strengthened the hand of the new president.[28]

Although Douglas was the leader of the northern Democrats in Congress, we would be mistaken to think he was anti-southern. Douglas approved of the *Dred Scott* decision, which held that black people were not citizens of the United States and did not share in its civil rights; he accepted racial inferiority; and, through his wife's inheritance, he owned slaves in Louisiana. Douglas spent his years in Congress trying to unite the sections of his party, not divide them. He never ceased appealing to the southern Democratic constituency, but events kept pressing the sections farther apart and inflaming issues beyond Douglas' ability to control them.

It was Douglas who had first sponsored Kansas statehood, and it was Douglas who paid the greatest price when Kansas eventually did apply to enter the Union. In 1857, proslavery settlers met in Lecompton, Kansas, in a constitutional convention. There, they drafted a predictably proslavery constitution. But, whereas Douglas expected that they would submit the constitution to the population of the territory for ratification—the popular sovereignty he had long espoused—the convention, instead, sent the Lecompton Constitution directly to Congress for approval. Douglas considered this act a sham and a violation of popular sovereignty. He commented privately that he could not support the Lecompton Constitution without "repudiating all the acts of my life, and doing a political act that I did not believe was moral and just." [29]

If Stephen Douglas had been solely an ambitious man with his sights set on the White House, he would have endorsed the Lecompton Constitution, demonstrating his loyalty to the Buchanan administration and winning the support of southern radicals. It is a measure of the man that he did not choose to abandon his principles to satisfy his ambitions. When President Buchanan's first annual message was read to the Senate on December 8, 1857, Senator Douglas was the first to rise in response, saying, "I totally dissent from all that portion of the message which may fairly be construed as approving of the proceedings of the Lecompton convention."

The next day, Douglas delivered a major address against the Lecompton Constitution, stating that it did not reflect the will of the people of the territory because it had not been submitted to the inhabitants in a referendum. "I do hold that the people of Kansas have the right to be consulted and to decide it," he insisted. "If this constitution is to be forced down our throats, in violation of the fundamental principle of free government, under a mode of submission that is a mockery and insult, I will resist it to the last." The *Congressional Globe* records that "at the conclusion of the honorable gentleman's speech loud applause and clapping of hands resounded through the crowded galleries." [30]

On February 2, 1858, the president submitted the Lecompton Constitution to the Senate. By this time, not one but two referendums on the constitution had been held in Kansas. One, by proslavery forces, produced a vote of 6,000 votes in favor and 500 opposed; the other vote, taken by antislavery settlers, produced 10,000 opposed to the Lecompton Constitution with 100 supporting it. If a fair vote had been taken of all settlers throughout the territories, it appears that the proslavery constitution would have lost by a wide margin. Still, the Buchanan administration defended it as the will of the people of Kansas.

Among those who wholeheartedly supported Buchanan, the Lecompton Constitution, and the extension of slavery into all the territories was the stately senator from Mississippi, Jefferson Davis. One visitor to the galleries, Miss Mary Jane Windle, who wrote occasional articles on Washington life for the South Carolina papers, described the "profound silence and the fixing of every eye" on Senator Davis when he rose to speak. "Since the days of Mr. Clay, we have never heard any one so powerfully rivet the attention of the spectators as this gentleman (Mr. Jefferson Davis). It is scarcely an exaggeration to say that his keen eye literally blazed as he poured forth a torrent of withering sarcasm and crushing invective."[31]

It soon became clear that, while Stephen Douglas commanded great public attention and could fill the galleries for his speeches, he no longer led the Senate Democratic forces. Even on his own committee, a pro-Lecompton majority took control away from the chairman for writing the committee report on Kansas and forced Douglas to file a minority report. During the debate on Lecompton in March, Douglas was too ill to participate but rallied his strength to give the concluding speech, speaking to a "prodigious multitude" in the chamber "beyond all precedent."

On March 23, the Senate voted 33 to 25 to uphold the Lecompton Constitution. Only three other Democrats and two Whigs joined Douglas in voting with the Republican minority against the measure. The House, however, adopted a different measure, recommending that the Lecompton Constitution be returned to Kansas for a popular vote. This proposal was unacceptable to the majority in the Senate, and finally a conference committee met to reach a compromise. The Lecompton Constitution would be resubmitted to the Kansas voters, but they would vote only on a land grant issue, not on slavery. This compromise was adopted by the Senate and House at the end of April, and the Lecompton Constitution went back to Kansas where the settlers overwhelmingly rejected it as Douglas believed they would.[32]

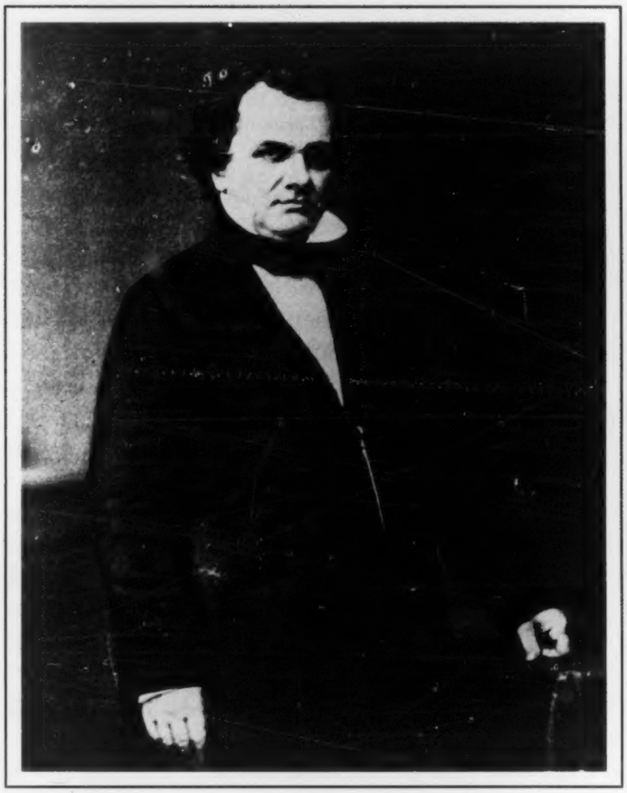
Stephen Douglas' split with the Buchanan administration had clearly jeopardized his position as a national Democratic leader, and there were many who suspected that he might switch his allegiance to the new Republican party or work to form a coalition between northern Democrats and Republicans based on anti-Lecompton sentiments—a strange twist for the man whose Kansas-Nebraska Act had led to the birth of the Republican party in the first place. But Douglas was not destined to become a Republican, and, indeed, in 1858, he faced a challenge for reelection to the Senate from the Republicans of Illinois, who nominated a Springfield lawyer and former congressman by the name of Abraham Lincoln.

Mr. President, the Lincoln-Douglas debates of that famous senatorial election are so much a part of our popular history that we may forget that it was Douglas, not Lincoln, who won the election, albeit by a slim margin. But, while the Illinois state legislature returned Stephen Douglas for another term in the Senate, Lincoln's crafty debating had forced Douglas to take stands that would separate him both from northern Republicans and southern Democrats. Douglas returned to the Senate for the second session of the Thirty-fifth Congress in a considerably weakened position.

Symbolic of Douglas' shaky position was his loss of the chairmanship of the Committee on Territories, his power base in the Senate. The Democratic caucus met on December 9, 1858, to assign members to committees and immediately became bogged down in debate over Douglas. Senators Jefferson Davis of Mississippi, John Slidell of Louisiana, and Jesse Bright of Indiana led the fight to remove Douglas, and President Buchanan added his endorsement by passing the word that Douglas was no Democrat and did not deserve a chairmanship. The caucus action in stripping Douglas of his chairmanship reflected a hardening of sentiment among proslavery senators. They now rejected popular sovereignty as a halfway measure and insisted on nothing less than complete equality for the South in expansion into the western territories.[33]

This was the first time in history that a senator had been removed as a committee chairman. In subsequent years, only one other senator would lose his chairmanship so drastically: Charles Sumner, who was removed as Foreign Relations chairman in 1871. (In 1913, the Democratic caucus prevented Senator Benjamin Tillman from becoming chairman of the Appropriations Committee because he had suffered a stroke. In 1924, the Republican conference removed Senator Albert Cummins as chairman of the Interstate Commerce Committee because he was also president pro tempore. The conference also rejected the ranking Republican, Robert La Follette, because of his independent politics; thus, although the Republicans held a majority in the Senate, the committee chairmanship went to a Democrat by default.)[34]

Although rejected, Stephen Douglas did not storm out of the Democratic party; he remained to fight within its ranks. In 1860, Douglas was again a candidate for its presidential nomination, but, by then, the split in the party was irreparable. At the Charleston, South Carolina, convention—one of the most dramatic in American history—the Democratic party divided into two hostile camps: southern Democrats nominated Vice President John Breckinridge for president, and northern Democrats removed to Baltimore where they nominated Stephen Douglas as their candidate. In that presidential election, Douglas once again faced Abraham Lincoln as his Republican challenger, but, with the Democratic Party divided, there was no hope for Douglas' election. It is a tribute to Douglas' statesmanship that he devoted his remaining months to supporting



His energies spent by the Kansas-Nebraska fight, Stephen Douglas died in 1861 at age forty-eight.

Library of Congress

President Lincoln and opposing the secessionist movement. He placed the Union over all political considerations. Stephen Douglas died in June 1861 at the age of forty-eight.

Mr. President, I have been speaking today about the Senate in the turbulent 1850's. Without a doubt, this must have been one of the most difficult of all decades in the Senate's history. When we look back at the deepening divisions between North and South, we marvel that the Senate was able to conduct any business at all during those trying times. It is instructive to note that, despite the fiery rhetoric, and despite the sectional passions, the Senate's precedents, traditions, and folkways—what political scientists call its norms—continued in place and enabled the Senate to function as a body. Professor Dean Yarwood of the University of Missouri has done a content analysis of the *Congressional Globe* for the Thirty-first and Thirty-sixth congresses, which frame the 1850's, to study the use of order, decorum, courtesy, and "gentlemanly deportment" in the Senate, and found a strikingly high percentage of observance of Senate rules and norms. Legislative norms, he noted, "provided one standard of fair play by which the behavior of unionists and secessionists alike could be judged by people in the border states." Both sides were appealing to this neutral faction and felt compelled to play within the rules and to present a dignified case. "During the processes leading to disintegration," Professor Yarwood wrote, "Senate norms allowed the articulation of sharp conflict and at the same time limited its scope so as to minimize the chances that physical conflict would break out and bring about the unintentional rupture of the Senate." [35]

Perhaps the weight of history also bore on these men as they dealt with the nation's affairs on the eve of a terrible civil war. The Senate, at that moment, made a great change which drew the attention of its members back for a moment from the issues of the day to its illustrious past. On Tuesday, January 4, 1859, the Senate held its last session in its old chamber and prepared to move to its new accommodations. The issue of the territories, which had caused the disturbances of the 1850's, was also responsible for this move; for so many new states had been added to the Union in the 1830's, '40's, and '50's that both the Senate and House had outgrown their chambers. In 1851, the cornerstone for the new Senate wing had been laid; and, by 1859, the new chamber, in which I stand today, and new committee rooms were ready for occupancy. The *New York Times* described the new chamber—this very chamber—as

> an immense oblong apartment, with sloping galleries on its four sides, capable of holding about [seven] hundred spectators; and with gilded partitions dropping down from the front of the galleries aforesaid to the floor. The light comes in from above, through windows richly colored with armorial bearings of the various States; while the remainder of the ceiling is a mass of fresco and gilding, carved cornices and marble ornaments, of a style some little more gaudy and less artistic than could be wished.

(It is clear that this chamber has undergone considerable renovation since the time this description was written.) "On the floor beneath us—which somewhat resembles a richly carpeted cock-pit—"continued the *Times'* account, "there are as many leathern arm-chairs as there are Senators, and opposite to each chair a little rosewood desk supported on their legs. These seats are arranged in semicircular rows, four deep, facing the elevated platform on which the Vice-President sits as presiding officer." [36]

Before the senators marched off to this splendid new chamber, they said a formal farewell to the old chamber which had housed them since 1810. The old Senate chamber was always hard to heat in the winter and to cool in the summer. Members complained about the lack of ventilation. The lack of adequate gallery space had crowded up the chamber with visitors on many occasions. But it was, and still is, a beautiful room with splendid acoustics, the perfect setting for the great debates of Webster, Clay, Calhoun, Benton, Douglas, Davis, and many more. "This Chamber has been the scene of great events," said Senator John J. Crittenden on that day in 1859. "Here questions of American constitutions and laws have been debated; questions of peace and war have been debated and decided; questions of empire have occupied the attention of this assemblage in times past; this was the grand theater upon which these things have been enacted. They give a sort of consecrated character to this Hall." Vice President John Breckinridge echoed Crittenden's sentiments:

> The Senate is assembled for the last time in this Chamber. Hereafter, the American and the stranger, as they wander through the Capitol, will turn with instinctive reverence to view the spot on which so many and great materials have accumulated for history. They will recall the image of the great and the good, whose renown is the common property of the Union; and chiefly, perhaps, they will linger around the seats once occupied by the mighty three, whose names and fame, associated in life, death has not been able to sever; illustrious men, who in their generation sometimes divided, sometimes led, and sometimes resisted public opinion—for they were of that higher class of statesmen who seek the right and follow their convictions.[37]

At the conclusion of Breckinridge's remarks, he invited the members to accompany him to the new chamber. They formed in procession, with the vice president at the head, followed by the secretary and sergeant at arms, the senators, staff, and spectators from out of that grand old chamber and down the corridor to their new home—this chamber. Mr. President, here I shall leave this procession in transit between the old and the new, as I conclude my remarks on the history of the United States Senate during the turbulent 1850's. In my next address, I shall discuss the fateful events that awaited these senators when they reached their destination.

CHAPTER 13

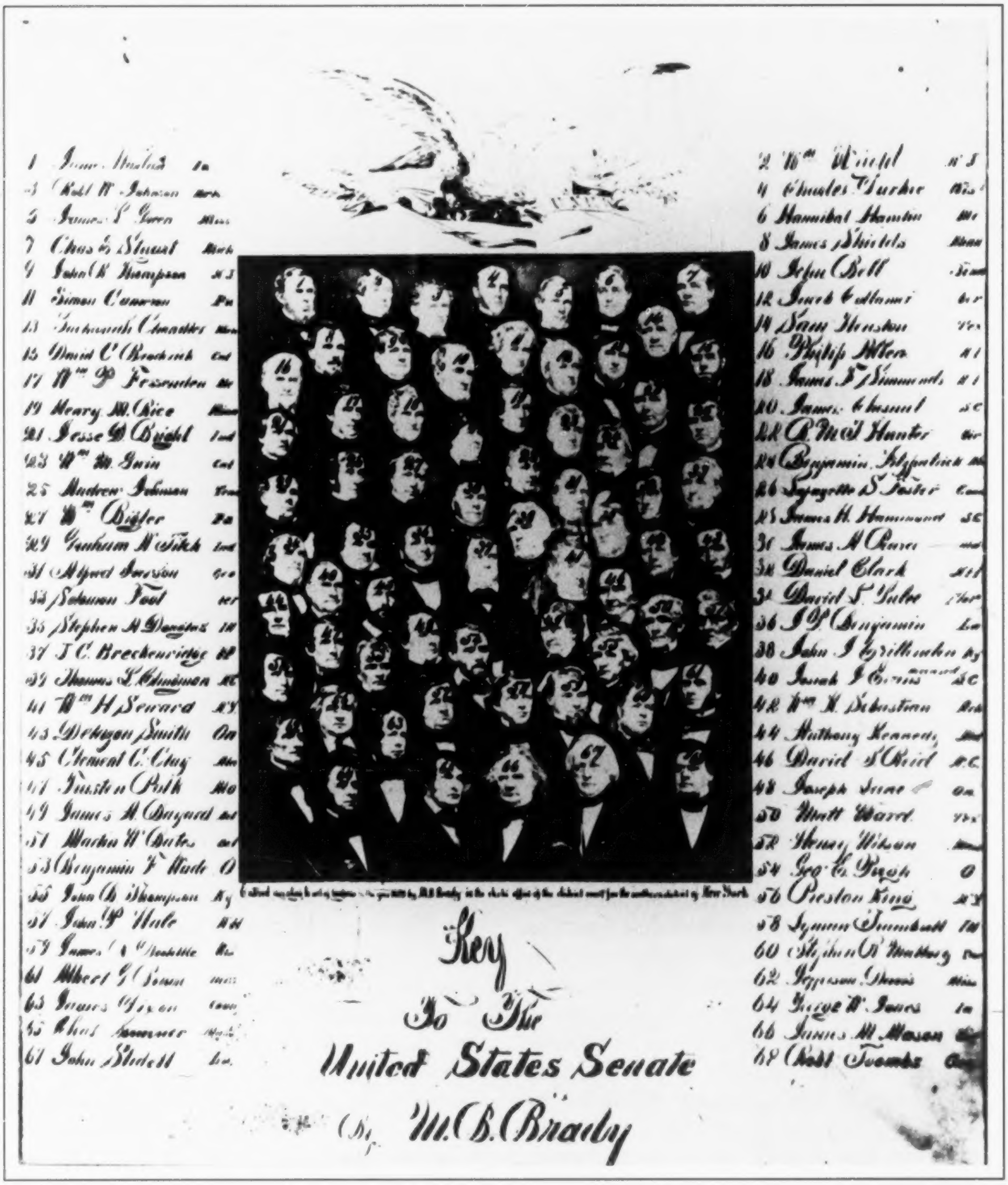
The Civil War
1859–1865

March 2, 1983

Mr. President, although it seems like only yesterday, two decades have passed since this nation commemorated the hundredth anniversary of the tragic and costly American Civil War. During that centennial, we witnessed stirring reenactments of major battles, viewed moving television documentaries, and read an increasingly large number of books on the war—a topic that has fascinated generations of Americans. The story of the bloody conflict traditionally has been told from the perspective of that giant among American presidents, Abraham Lincoln. From his clandestine entrance into the nation's capital on a grim February day in 1861, through his frustrations with indecisive generals, to the Emancipation Proclamation and the Gettysburg Address, we have followed his tortuous path. That path leads us to Robert E. Lee's dramatic surrender to Ulysses S. Grant at Appomattox Courthouse in Virginia and, finally, to the monumental tragedy that unfolded in the box above the stage at Ford's Theater on the night of Good Friday, April 14, 1865. At the end of Lincoln's four-year, soul-wrenching quest, the blast of an assassin's bullet denied him the peace and satisfaction he so richly deserved.

Yet, Mr. President, there is another perspective from which to view the war that divided our nation and took the lives of more than 600,000 of our forebears. While Lincoln agonized over matters of pressing military strategy, Congress was hard at work shaping and passing legislation that would set the nation's course for the remainder of the nineteenth century and beyond. In 1863, freshman Senator John Sherman of Ohio wrote to his brother, Union General William Tecumseh Sherman, "the Senate has become a laborious committee, where bills are drawn as well as discussed." [1] Though Senator Sherman grumbled over the Senate's new role, in fact during the crucial early years of the Civil War, the Senate had decisively assumed the initiative in devising major legislative proposals, rather than simply acting in response to a presidential program.

In my last address, I concluded with the session of January 4, 1859, during which the Senate moved as a body out of the old chamber, which it had outgrown and, in a double-

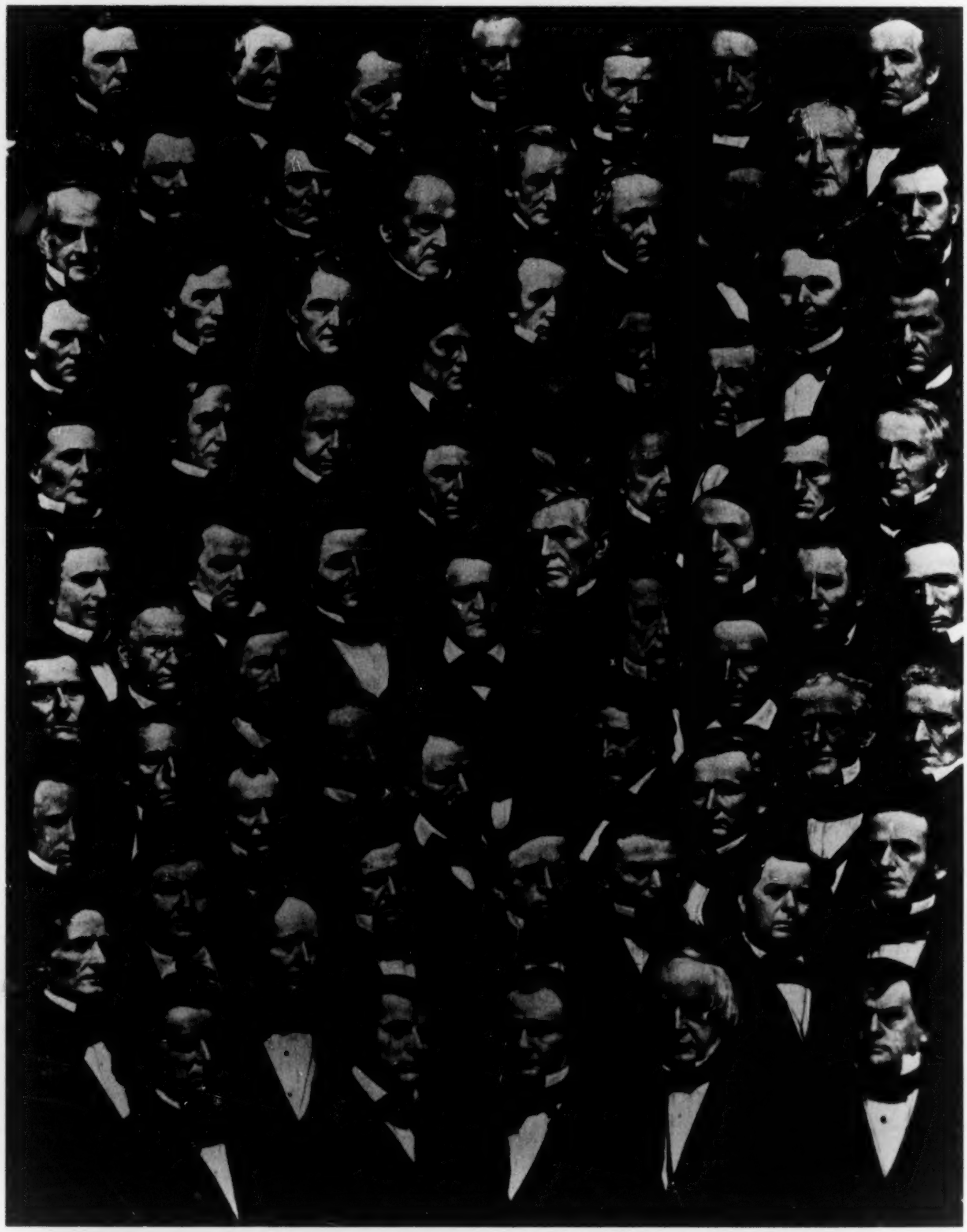


1 James Harlan Io
3 Robt W. Johnson Ark
5 James S. Green Miss
7 Chas E. Stuart Mich
9 John R. Thompson N J
11 Simon Cameron Pa
13 Zachariah Chandler Mich
15 David C. Broderick Cal
17 Wm P. Fessenden Me
19 Henry M. Rice Minn
21 Jesse D. Bright Ind
23 Wm M. Gwin Cal
25 Andrew Johnson Ten
27 Wm Bigler Pa
29 Graham N. Fitch Ind
31 Alfred Iverson Geo
33 Solomon Foot Ver
35 Stephen A. Douglas Ill
37 J C. Breckenridge Ky
39 Thomas L. Clingman NC
41 Wm H. Seward N.Y.
43 Delazon Smith Or
45 Clement C. Clay Ala
47 Trusten Polk Mo
49 James A. Bayard Del
51 Martin W. Bates Del
53 Benjamin F. Wade O
55 John B. Thompson Ky
57 John P. Hale N H
59 James R. Doolittle Wis
61 Albert G. Brown Miss
63 James Dixon Conn
65 Chas Sumner Mass
67 John Slidell La.

2 Wm Wright N J
4 Charles Durkee Wis
6 Hannibal Hamlin Me
8 James Shields Minn
10 John Bell Ten
12 Jacob Collamer Ver
14 Sam Houston Tex
16 Philip Allen R I
18 James F. Simmons R I
20 James Chesnut S C
22 R. M. T. Hunter Va
24 Benjamin Fitzpatrick Al
26 Lafayette S. Foster Con
28 James H. Hammond S C
30 James A. Pearce Md
32 Daniel Clark N H
34 David L. Yulee Flor
36 J. P. Benjamin La
38 John J. Crittenden Ky
40 Josiah J. Evans [illegible] S C
42 Wm K. Sebastian Ark
44 Anthony Kennedy Md
46 David S. Reid N.C.
48 Joseph Lane Or
50 Matt Ward Tex
52 Henry Wilson Mass
54 Geo. E. Pugh O
56 Preston King N.Y.
58 Lyman Trumbull Ill
60 Stephen R. Mallory Flo
62 Jefferson Davis Miss
64 George W. Jones Io
66 James M. Mason Va
68 Robt Toombs Geo

Key
To The
United States Senate
By M. B. Brady

This composite of Mathew Brady photographs includes senators of the thirty-three states represented as of February 1859. The coming war would irreparably divide this Senate. *Library of Congress*



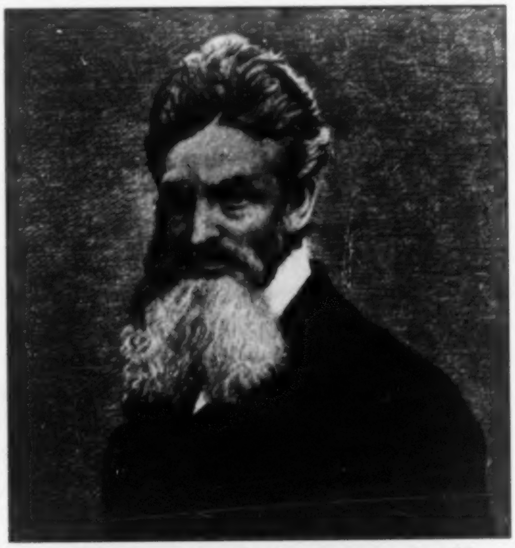
file procession, into this very room. As senators settled into their new chamber, profound political changes were underway. The recently concluded elections of 1858 had greatly benefited the emerging Republican party. It had achieved victories in every northern state except Illinois and Indiana. Although Abraham Lincoln failed in his bid to capture Stephen Douglas' Senate seat, most Republican candidates fared much better. Republicans won governorships, gained majorities in state legislatures, took control of the U.S. House of Representatives, and increased their numbers in the Senate. That party's gains occurred as a result of a severe economic depression, adverse public feeling over the *Dred Scott* decision, which had the effect of opening the territories to slavery, and frustration at the weakness of the Democratic administration of President James Buchanan.[2]

During the remaining two months of the Thirty-fifth Congress, early in 1859, the Senate accomplished little. The growing impasse between North and South insured the northern senators' hostility to administration proposals for purchasing Cuba from Spain and establishing a protectorate over northern Mexico. Southern senators, for their part, blocked bills for an increased tariff, a transcontinental railroad, and river and harbor improvements. Southerners and land speculators killed a homestead bill that would have allowed the head of every family to purchase 160 acres of western land for the low price of $1.25 per acre, fearing that it would have filled the West with antislavery settlers. Both houses did pass Vermont Representative Justin Morrill's bill to establish land grant colleges in each state in order to spread educational opportunity more broadly across the citizenry. Unfortunately, President Buchanan believed that federal support of education was unconstitutional, and he vetoed the measure.[3]

When the Senate of the Thirty-sixth Congress convened on December 5, 1859, sectional tensions had escalated far beyond the ability of legislative leaders to control them. "We are," wrote southern partisan Virginia Clay, wife of Alabama Senator Clement Claiborne Clay, "dancing over a powder keg." Three days earlier, in Charles Town, Virginia, John Brown, whose raid had helped ignite the slow-burning fuse of that powder keg, was taken from his jail cell into the bright December morning sunshine. Awaiting him were six companies of Virginia infantry and a troop of horse cavalry. Brown was quickly escorted to an open wagon containing a heavy oak coffin. Seated next to his jailor, Brown rode slowly away to the forty-acre field that had been chosen as the site for his execution. There, he discovered additional troops massed in a hollow square with a cannon directed at the scaffold to discourage those who might attempt to rescue him. Mounting the scaffold, Brown bade farewell to his captors and stood impassively erect as a hood of white linen was placed over his head and a rough noose was pulled about his neck. The condemned man then moved onto the trap door and signaled his readiness. For eight long, agonizing minutes, John Brown waited in silence as late arriving troops moved into their preassigned positions. Finally, the sheriff slashed the rope that held the trap. Hinges creaked and boards fell. John Brown went swiftly to his martyrdom.[4]

John Brown's abortive attempt to seize the federal arsenal at Harper's Ferry in October 1859 swept the South into a state of panic. Brown's action confirmed white southerners' deepest fears of an imminent plot by the North to invade their lands with weapons taken from government arsenals, inciting the region's three million slaves to bloody revolt. His deed provided justification for the long-standing warnings of radical leaders. When more moderate leaders called for the North

Harper's Ferry, West Virginia, was severely damaged during the Civil War. *Library of Congress*



John Brown's raid on the federal arsenal at Harper's Ferry propelled the nation toward civil war. *Library of Congress*

Ruins of the Civil War are yet visible in Harper's Ferry today. *U.S. National Park Service*

to disavow Brown, they received instead from the pens of Emerson, Thoreau, Whittier, and others a literary response elevating the tragic old man to heroic status.

I would advise my colleagues and members of the staffs, when the opportunity presents itself, to visit Harper's Ferry and see some of the historic buildings there which have been rehabilitated, the exhibits that are there, and also to visit Charles Town. The old courthouse still stands, and it is not far away from Harper's Ferry. It will provide an interesting, informative, and inspirational afternoon or entire day for anyone who proceeds to visit Harper's Ferry and Charles Town, both of which are located in what is now West Virginia, and relive the rich history of that period.

In December 1859, the Senate's first order of business in the new Thirty-sixth Congress was consideration of a resolution establishing a committee to investigate possible conspiracy in connection with Brown's raid. On the following day, the Senate approved the resolution and got down to work for what proved to be a frustrating and unproductive session. Tensions among northern and southern senators escalated rapidly. The growing legislative stalemate that Congress faced as 1860 dawned was most dramatically revealed on the other side of the Capitol in the House of Representatives.

There, the sectional crisis took its focus in a bitter battle to elect a Speaker. John Sherman of Ohio, a moderate on the slavery issue, was the favored candidate; however, he had unwisely endorsed a book he never read. That volume, Hinton Rowan Helper's *The Impending Crisis,* caused an explosion of outrage in the South similar to that of John Brown's raid. Helper concluded in his 1857 tract that "slavery lies at the root of all the shame, poverty, ignorance, tyranny and imbecility of the South," impoverishing all but "the lords of the lash" who "are not only absolute masters of the blacks [but] of all non-slaveholding whites, whose freedom is merely nominal, and whose unparalleled illiteracy and degradation is purposely and fiendishly perpetuated." Sherman's support of the book cost him essential votes of border state members, and the Speakership contest dragged on for eight weeks. Members hurled insults at one another, and the House chamber took on the appearance of an armed camp. One witness noted that "the only persons who do not have a revolver and a knife are those who have two revolvers." Finally, on the forty-fourth ballot, Sherman withdrew, and an unknown New Jersey freshman, William Pennington, became Speaker.[5]

During the first half of 1860, senators focused their attention on the presidential nominating conventions. Democrats assembled in April at Charleston, South Carolina. When supporters of front-running candidate Stephen Douglas succeeded in passing a platform plank opposing federal protection of slavery in the territories, delegates of eight southern states walked out—not something unheard of, even in our own recent times.

This event led to a stalemate and then an agreement to reconvene the convention at Baltimore in June. Before the Democrats could meet again, Republican delegates assembled in Chicago. Going into that convention, Senator William Seward was the leading contender, but his drive faltered when it became clear that his strong antislavery record would alienate important border states. As we know, the nomination went to the former one-term House member from Illinois, Abraham Lincoln.[6]

On the heels of the Lincoln nomination, the Democrats met in Baltimore and promptly divided. The two wings of the party then nominated their own candidates with Douglas receiving the nod from the northern faction and Vice President John Breckinridge of

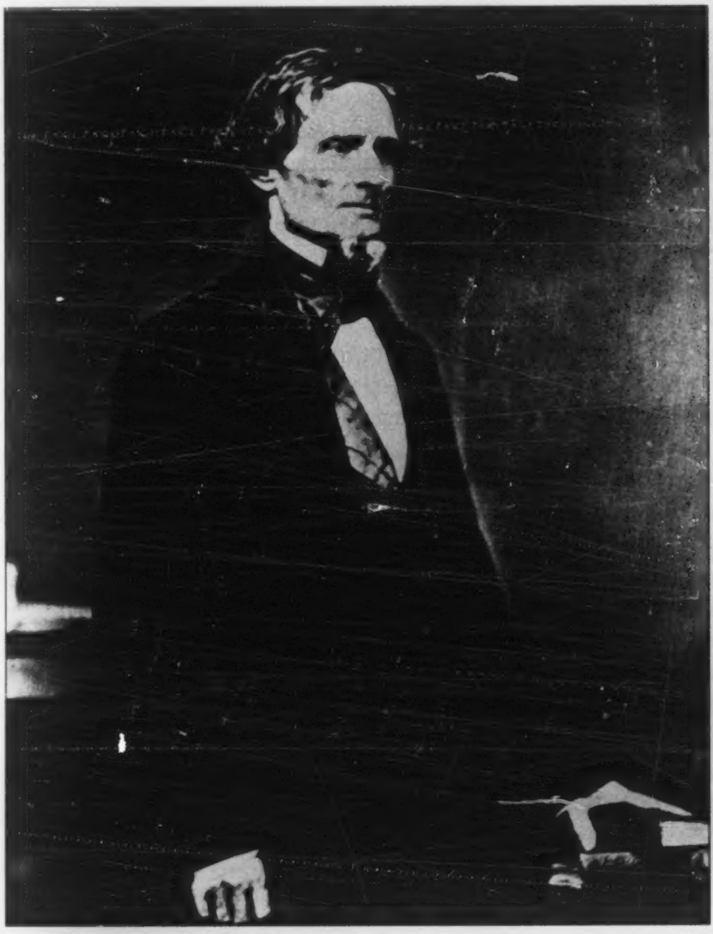
Kentucky that of the southerners. On November 6, 1860, Lincoln received a million fewer votes than the combined total of his divided opposition, but he captured a commanding majority of electoral votes.

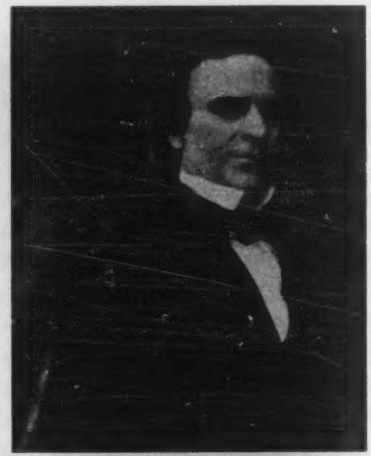
As the last session of the Thirty-sixth Congress convened on December 3, 1860, senators looked to President Buchanan for a ray of hope in the darkening sky of secession threats. Buchanan responded in a characteristically weak and vacillating manner. In his message to Congress, the president tried to placate all factions. Consequently, he satisfied none when he proclaimed that while no state had the right to secede, neither did the federal government have the right to prevent such action. The president blamed Republicans and abolitionists for bringing on the crisis. Unless they stopped criticizing slavery and began to support the fugitive slave law, "disunion will become inevitable," and the South would "be justified in revolutionary resistance to the Government." The chief executive, clearly counting the days remaining in his disastrous term, recommended a constitutional amendment to protect slavery in the territories and the purchase of Cuba to give the South a new slave state.[7]

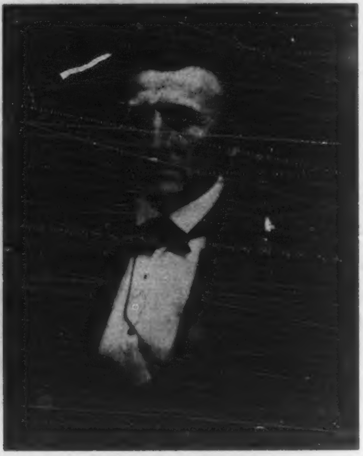
Both the House and Senate set up committees to examine a host of similar compromise proposals. In the Senate, Kentuckian John Crittenden, who first came to this body in 1817, chaired the Committee of Thirteen, created to consider the compromise proposals, most of which called for abandonment of federal efforts to prohibit slavery in the territories. This prohibition was the basic principle behind the Republican party's formation, and compromises based on its abandonment were certainly doomed to failure. On December 28, 1860, the Crittenden committee voted, against the position of its chairman, to reject a package of constitutional amendments. The Crittenden compromise included a plan to extend the Missouri Compromise line to California, permitting slavery south of that line and forbidding it to the north. Congress would be prohibited from abolishing slavery in the District of Columbia and to interfere with the slave trade. The proposed amendments were intended to be irreversible. When the package, thanks to Crittenden's tenacity, made its way to the Senate floor on January 16, 1861, it suffered a second and final defeat by a two-vote margin.[8]

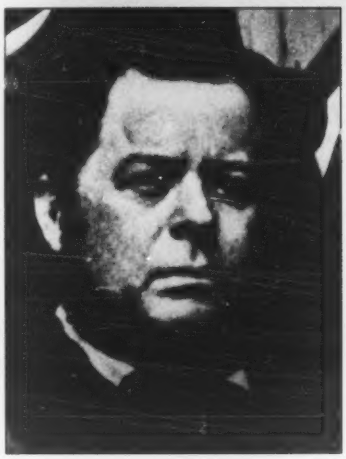
Six days before that crucial vote, on January 10, Mississippi's senior senator, the elegant and aristocratic Jefferson Davis, rose to address the Senate. Mississippi had voted to leave the Union on the previous day; South Carolina had departed several weeks earlier; and Florida, Alabama, and Georgia were poised to take similar action. With his wife looking on from a packed gallery, the leader of the Democratic party's southern faction urged his Senate colleagues to allow the southern states to go in peace. He said:

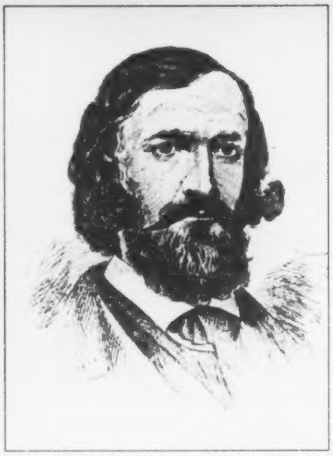
> We seek not to disturb your prosperity. . . . If we must part, I say we can put our relations upon that basis which will give you the advantage of a favored trade nation, and still make the intercourse mutually beneficial to each other. If you will not, then it is an issue from which we will not shrink; for, between oppression and freedom, between the maintenance of right and submission to power, we will invoke the God of battles, and meet our fate, whatever it may be. . . .
>
> I have striven to avert the catastrophe which now impends over the country, unsuccessfully; and I regret it. . . . If you desire at this last moment to avert civil war, so be it; it is better so. If you will but allow us to separate from you peaceably, since we cannot live peaceably together, . . . then there are many relations which may still subsist between us. . . .
>
> If you will not have it thus; if in the pride of power, if in contempt of reason and reliance upon force, you say we shall not go, but shall remain as subjects to you, then, gentlemen of the North, a war is to be inaugurated the like of which men have not seen.
>
> Is there wisdom, is there patriotism in the land? If so, easy must be the solution of this question. If not, then Mississippi's gallant sons will stand like a wall of fire around their State.[9]











On January 21, 1861, five southern senators entered the chamber to bid their colleagues a sad farewell. They were, *clockwise from top left,* Jefferson Davis of Mississippi, David Yulee of Florida, Benjamin Fitzpatrick and Clement Clay of Alabama, and Stephen Mallory of Florida. *Library of Congress*

On January 12, 1861, New York Republican William Henry Seward rose to respond to Davis' appeal. Earlier, he had proclaimed that the crisis would be over in sixty days. As Lincoln's secretary of state designate, Seward was marked to be a leader in the new administration—a prime minister almost. Far more experienced in the art of government than Lincoln, Seward exuded confidence as he addressed the Senate. Speaking in a raspy voice irritated by excessive cigar smoking, Seward hoped to carry the day for moderation. Massachusetts Republican Charles Sumner had tried to talk Seward out of giving the carefully prepared address. Sumner was furious with Seward's willingness to abandon his earlier strong antislavery position. Seward instead had devised a conciliatory offer to the South that included a constitutional guarantee that Congress would never interfere with slavery in any state and that the Arizona-New Mexico territory would be admitted as a slave state. Sumner argued that Seward's speech would undermine unionist support in the crucial border states. When Seward concluded his remarks to the Senate, it became clear that Sumner's fears were justified. Seward's vague preachments antagonized radicals and disunionists alike. They even fueled a concessionist spirit in Sumner's own Massachusetts, where merchants hoped that compromise would bring a resumption of vital cotton shipments from the South.[10]

Seward's address and the onrushing news of further defections among southern states set the stage for one of the most dramatic and memorable scenes ever to take place in this chamber. On January 21, 1861, five senators from Florida, Alabama, and Mississippi entered this chamber to bid their colleagues a sad farewell. Spectators began to press for admission to the galleries at 7:00 a.m. By 9 o'clock, the galleries were packed and so were the cloakrooms and the senators' lobby to the north of the chamber. The reporters' gallery was given over to members of the diplomatic corps and their families.[11]

Mrs. Jefferson Davis observed that there was a sense of "blood in the air" as the Senate chaplain took his place at high noon. Following a brief period of routine morning business, a motion was made to take up a bill for the admission of Kansas as a free state. At that point, Florida's David Yulee sought recognition to ask that his announcement of withdrawal might be heard. Ben Wade of Ohio, a leader among Radical Republicans who reportedly kept a sawed-off shotgun in his Senate desk, pretended not to know why the Florida senator sought the floor. The Kansas matter was deferred and the long awaited valedictories began.

Jefferson Davis reserved for himself the final position among his departing colleagues.[12] Reiterating his plea for a peaceful separation, the senator, weakened by a recent illness, said to his colleagues:

> I am sure I feel no hostility toward you, Senators from the North. I am sure there is not one of you, whatever sharp discussion there may have been between us, to whom I cannot now say, in the presence of my God, I wish you well; and such, I am sure, is the feeling of the people whom I represent towards those whom you represent. I therefore feel that I but express their desire when I say I hope, and they hope for, peaceable relations with you, though we must part. They may be mutually beneficial to us in the future, as they have been in the past, if you so will it. The reverse may bring disaster on every portion of the country; and if you will have it thus, we will invoke the God of our fathers, who delivered them from the power of the lion, to protect us from the ravages of the bear; and, thus, putting our trust in God, and in our firm hearts and strong arms, we will vindicate the right as best we may. . . .
>
> Mr. President, and Senators, having made the announcement which the occasion seemed to me to require, it only remains for me to bid you a final adieu.[13]

When he finished, those in the chamber remained silent, but for the sound of general weeping. Then, as Davis started his final journey up the center aisle with his four compatriots falling in closely behind, Vice President Breckinridge rose to his feet. Fifty-eight senators followed the presiding officer's lead and so did the massed spectators. Slowly, the five senators removed themselves from the mournful chamber, not one casting a backward glance. The doors swung shut, and the Senate moved quietly to take up the pending business. Later that fateful evening, Mrs. Davis overheard her husband's prayer. The former senator prayed, "May God have us in His holy keeping, and grant that before it is too late, peaceful counsels may prevail." [14]

Following Davis' departure, the Senate approved the bill to admit Kansas as a free state, sending it on to President Buchanan who earlier had proclaimed that Kansas should be as much a slave state as South Carolina. Buchanan reluctantly signed the measure.

During the remaining few weeks before the March 3 adjournment date, other southern senators withdrew as their states, eleven in all, approved ordinances of secession. In Springfield, Illinois, Abraham Lincoln prepared for his long journey to assume the reins of a divided government in a capital city increasingly awash with rumors of conspiracy and sedition. On February 8, the seceding states sent delegates to Montgomery, Alabama, to set up a provisional government, and the following day elected former Senator Davis as their president.

Major events tumbled one after another. On February 11, Lincoln left Springfield, and two days later, counting of the electoral votes took place in the House chamber. On that occasion, soldiers barricaded entrances to the Capitol Building, turning away all but the favored few who held tickets of admission. Plainclothes policemen mingled attentively with those who walked the corridors. At noon, senators in solemn procession entered the House chamber. Led by Vice President John Breckinridge, the members took their assigned places. Without incident, the tellers registered the vote. Then, the vice president, himself one of the losing presidential candidates, announced that Abraham Lincoln had been elected the nation's sixteenth president.[15]

As Lincoln's train approached the capital, threats of violence increased. Private detective Allan Pinkerton had reliable information that the president-elect faced assassination when his train reached Baltimore, which was a hotbed of secessionist spirit. Accordingly, the president donned a disguise and slipped into Washington unannounced on an earlier train. For the remainder of his life, Lincoln deeply regretted that he had resorted to that subterfuge.[16]

Inauguration day, March 4, 1861, dawned raw and windy in the capital. A spirit of depression gripped the city. The presidential procession swept swiftly past boarded windows and up to Capitol Hill. At the Senate entrance, two batteries of light artillery were positioned. The presidential party moved to the Senate chamber, where Vice President Hannibal Hamlin and newly elected senators took their oaths. A few minutes later, the new president's high-pitched voice rang out across the east plaza. He concluded his address with the following noble words:

> I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.[17]

President Jefferson Davis called the Confederate congress into session immediately. President Lincoln decided to wait. Although the next regular session was not due to begin until December 1861, the times demanded congressional consultation and action. Since the beginning of 1861, federal troops at Fort Sumter in the harbor of Charleston, South Carolina, had been under siege of shore batteries. No solution was in sight. At 4:30 a.m. on April 12, those very batteries opened fire on the hapless Union fort. The Civil War had begun.

After thirty-four hours of intense but bloodless bombardment, Major Robert Anderson yielded to the inevitable and surrendered the garrison. This action galvanized sentiment throughout the North for a swift and decisive end to the South's secession. On April 15, the president declared that a state of insurrection existed and ordered a recruitment of seventy-five thousand three-month volunteers.

Meanwhile, dust gathered in the quiet Senate chamber. Fearing that Maryland would join the rebellion, thereby isolating the capital from northern military support, Lincoln ordered defensive preparations. By early April, the Capitol Building appeared ready for the onslaught. Boards and boulders and casks of cement barricaded the entrances. Paintings and statues were draped in protective coverings. Iron plates, awaiting placement in the half-completed dome, were pressed into service as breastworks on the porticoes.[18] On April 17, meeting in Richmond, the Virginia Convention voted to remove that state from the Union. Fears of isolation skyrocketed.

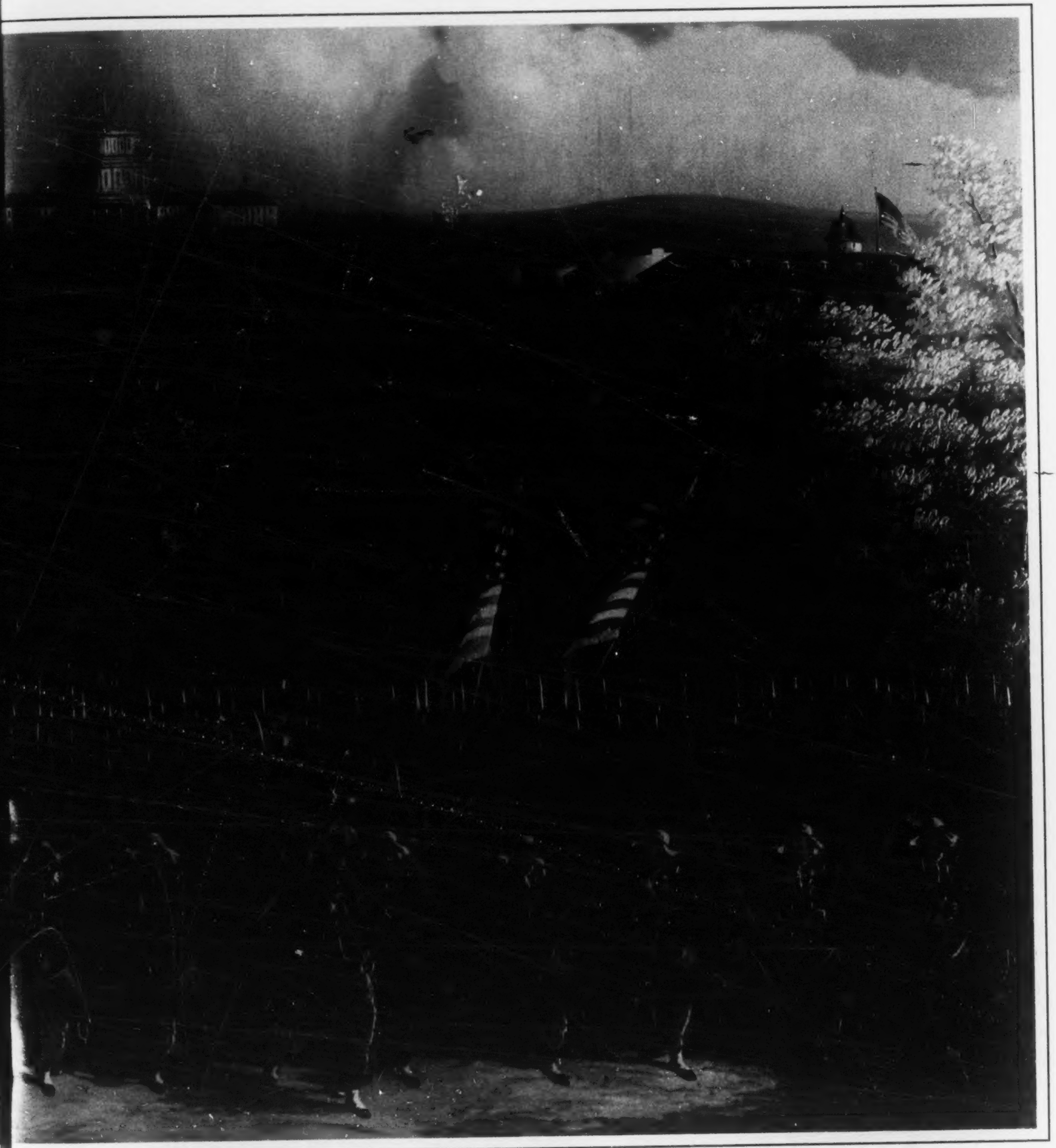
Two days later, a regiment of troops from Massachusetts engaged in pitched battle as they tried to pass through hostile Baltimore. The timing of that incident, which took four dead and thirty-one wounded, was not lost on supporters of the Union. The fateful skirmish occurred on April 19, exactly eighty-six years after the encounter between the colonials and the British at Lexington and Concord. The badly mauled Sixth Massachusetts Regiment arrived in Washington on the afternoon train. As litters were removed, a group of Washington women rushed forward to dress the soldiers' wounds. In the lead was a young patent office clerk named Clara Barton. Tried and exhausted, the troops and their medical attendants headed for the only available room suitable to their needs—the vacant Senate chamber.[19]

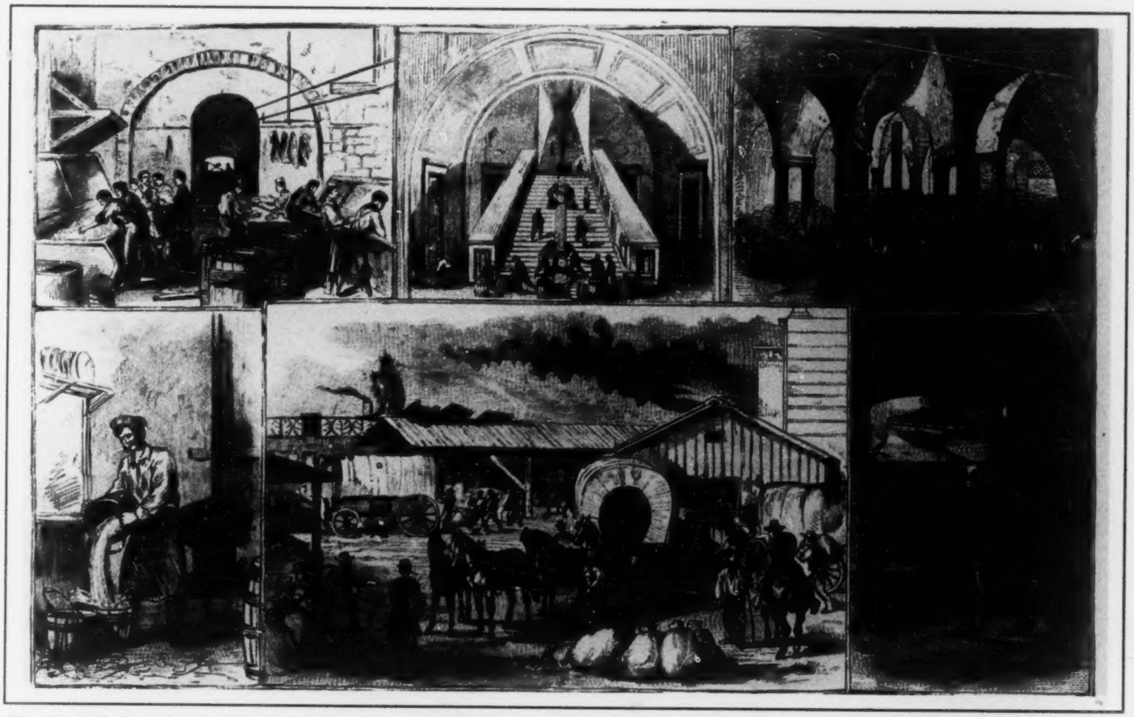
Each soldier received a ration of bacon, bread, and coffee. As fumes of cooking food drifted upward from furnaces in the basement, the men of the Sixth Massachusetts Regiment made themselves comfortable in this very room. Passions ran deep as the wounded and hungry troops converted gallery seats and senators' chairs to temporary resting places. One enraged soldier sought out former Senator Jefferson Davis' seat, the one now occupied by the distinguished senior senator from Mississippi, Mr. Stennis, two desks back from mine. With his bayonet unsheathed, the man sought to destroy the stately desk. At that juncture, according to Senate lore, the venerable assistant doorkeeper of the Senate, Isaac Bassett, rushed forward to restrain the angered soldier.[20] Exhorting him to cease, he announced that the desk belonged to the government of the United States and not to the departed Confederate chieftain. The soldier withdrew; and, even today, if we look carefully along the left-hand front corner of that desk, we can detect the skilled carpenter's efforts to erase this sad incident.

Soon, the encamped soldiers grew restless. In the Marble Room to our north, they hung sides of bacon, stripping off portions to cook in that room's blazing fireplaces. Back in this chamber, they held mock legislative sessions, reminiscent of those conducted by invading British troops in the old House chamber in 1814. A self-appointed presiding officer called for order, only to be shouted down by

The Army of the Potomac parades in seemingly endless ranks along Pennsylvania Avenue. By an unknown artist, this painting is based on an 1861 drawing by Thomas Nast.

West Point Museum Collections, U.S. Military Academy





The Great Bakery for the United States Army at the Capitol as depicted in *Frank Leslie's Illustrated Newspaper,* September 20, 1862.
U.S. Senate Curator's Office

throngs in the galleries. Pompous speeches were greeted with raucous applause and shouts of derision. Some sat at senators' desks as they composed letters to loved ones on Senate stationery, using franked envelopes to send the notes on their way.[21]

To feed the troops quartered in the Senate chamber, as well as those temporarily bivouacked in the Rotunda, the House chamber, and in government buildings throughout the city, the military quartermaster constructed bread ovens in small brick-walled rooms throughout the Capitol basement. Huge barrels of flour were rolled down planks placed over the west central interior staircases and into the new Capitol bakery. Soldiers in the Senate chamber soon grew accustomed to the morning smell of freshly baked bread as its appealing scent wafted upward through the ventilating system. Of all of the uses, from ceremonial to legislative, to which this splendid building has been put, none can exceed the novelty of its days as a bakery.

The sense of siege and isolation that had gripped Washington in March and April diminished with the arrival of fresh troops and the realization that an attack by southern forces was not imminent. As members of the Senate returned for a special Independence Day session, they found a more relaxed attitude among the city's residents. They also found a cleansed chamber. After their brief stay, the men of the Sixth Massachusetts Regiment were moved to other quarters. Soap and sand removed the grease and tobacco stains that served as the temporary occupants' legacy.

At twelve noon on July 4, 1861, Vice President Hannibal Hamlin rapped the ancient Senate gavel. The Reverend Byron Sunderland, in his opening prayer, observed that Independence Day in 1861 was "a day tenfold more precious by reason of our present troubles, and sacred to the heart for the ever memorable Declaration of our fathers." As the vice president looked out into the chamber, he must have been deeply moved by the spectacle of twenty-one vacant seats. Among the senators of the eleven states of the Confederacy, only Tennessee's Andrew Johnson remained.[22]

The Senate of the Thirty-seventh Congress was dramatically different from its predecessor as a result of the southern defections and the 1860 election. For the first time in its brief history, the Republican party gained control of the Senate, outnumbering the Democrats 31 to 10, with eight members claiming other party affiliations. During that session, the size of each party fluctuated slightly as members came and went, but the Democratic members recognized that they were badly outnumbered. In the days ahead, their rate of absenteeism grew, and they never bothered to hold formal caucuses.[23]

Mr. President, one measure of the dramatic change in the Senate's composition during the early years of the Civil War can be taken from the manner in which it confronted the definition of membership for senators of the secessionist states. For the balance of my remarks today, I shall discuss the Senate's Civil War expulsion cases of 1861 and 1862. They reveal a great deal about the nature of this institution during those uniquely troubled times.

The moment Jefferson Davis and his four southern colleagues departed in January 1861, the Senate began the long process of deciding on the status of members who formally resigned, as well as of those who simply did not bother to appear at the start of the Thirty-seventh Congress in March, and of those still serving whose sympathies appeared to lie with the Confederacy. Senators grappled with four basic issues related to this dilemma: the difference between withdrawal and resignation; the permanent or impermanent quality of the withdrawals; the subsequent status of committee memberships; and the underlying uncertainty over the legality of secession. That not all southern senators acted in the same manner or at the same time compounded the discussions. One Georgia senator, Robert Toombs, withdrew without sending formal notification to the Senate. The South Carolina senators, James H. Hammond and James Chesnut, announced their plans through home state newspapers but never communicated with the Senate itself. In the Senate, perplexed members sought to use the language of the Constitution as a guide for identifying the proper responses to the peculiar situation. Unfortunately, no common agreement emerged in the constitutional interpretation, and the senators continued to flounder for definitions of the offense, if any, that had been committed. Two motions, one to rule that the withdrawing senators were no longer members of the Senate, and a second to declare their committee seats vacant, were ordered to lie on the table.

During the brief March 1861 session of the Senate, the new Republican majority demonstrated no clear notions about how to handle the secession crisis. As the Senate considered the dilemma of the southern senators, so much anger and sadness permeated the speeches that a troubled Senator James Bayard advised, "All I ask . . . is, to leave the question undisturbed . . . unless it be the desire of . . . the Senate to complicate the affairs of the country, already sufficiently complicated; to irritate passions already sufficiently aroused; and to afford additional chances for the utter destruction of the Union, when it is already sufficiently endangered." Still hoping for reconciliation, the Senate voted to pronounce the seats vacant and to direct the secretary of the Senate to delete those names from the roll. This resolution applied to Albert G. Brown, Jefferson Davis, Stephen R. Mallory, Clement C. Clay, Robert Toombs, and Judah Benjamin. It did not apply to David Yulee, Benjamin Fitzpatrick, Alfred Iverson, or John Slidell because their Senate terms expired March 3, 1861, the day before the new Republican Congress convened.

The debate over senatorial withdrawal marked only the first of many constitutional disputes surrounding the major issue of secession. Each southern senator justified withdrawal upon the argument that when a state left the Union, the necessity for senatorial representation ended. Acceptance of the right to withdraw and to disassociate a state from the national legislature acknowledged the legitimacy of secession. However, by a declaration that the seats were merely vacant, the Senate denied the act of secession by implying that, at any time, a new senator with legitimate credentials could represent the state.[24]

By April 1861, senators who looked ahead to the start of the regular session of the Thirty-seventh Congress could no longer hope that the southern legislatures would appoint new senators to fill the vacant seats in the chamber. Most southern legislators simply remained in their home states. When Congress convened in July 1861, with open warfare in progress, the Senate found itself with only a partially resolved problem, as it had earlier addressed the matter of just those senators who had actively withdrawn their membership.

The status of Arkansas' William Sebastian and Charles B. Mitchel, North Carolina's Thomas Clingman and Thomas Bragg, South Carolina's James Chesnut, Tennessee's A.O.P. Nicholson, Texas' John Hemphill and Louis Wigfall, and Virginia's James M. Mason and Robert M. T. Hunter remained murky. An earlier attempt to expel Louis Wigfall, for his public declaration that he had become a foreigner and owed no allegiance to the United States government, collapsed in March 1861 when the Judiciary Committee failed to return a report on its deliberations. South Carolina's James Hammond made a public withdrawal in the state newspapers, but, since his term expired before the Thirty-seventh Congress convened, no action was taken on his case. One Tennessee senator, Andrew Johnson, a staunch unionist, refused to follow the secessionists and served in the Senate until 1862 when he resigned to become the military governor of that state at Abraham Lincoln's request.

On July 10, 1861, Senator Daniel Clark, a New Hampshire Republican, submitted a resolution for the expulsion of the ten southern senators. Clark based his request on a charge that all of the named senators participated in a conspiracy against the peace and union of the United States government. Clark pointed to the failure of these senators to appear in the chamber and their active involvement in the conspiracy itself. He reminded members that those senators not named in his resolution had been dealt with during the March session. With the passage of the Clark Resolution, the status of all southern senators would be clarified.

As in the March debates, it was Bayard of Delaware who rose to the defense of the southern senators and to urge moderation. He opposed the expulsion measure, arguing that the southern senators followed the directions of their states and that no senator individually had conspired against the government. Bayard suggested that the expulsion rule should be reserved for individual acts of misconduct. To formally expel the southern senators would only exacerbate an already inflamed situation. Senator Milton Latham of California supported his fellow

Democrat because he felt expulsion implied moral turpitude, a stain upon the personal character of the individuals that most would agree was unjust.

But the passions of war produced more fervent arguments from those on the other side of the debate. Senator Clark retorted that he failed to admire the "openness" of the absent senators and hoped the Senate would not repeat its tame action of the March session. "They have taken up arms against the Government," Clark declared, "their guns are now within the sound of your capital; and shall we sit here in the Senate and deliberate and doubt whether we shall turn out of this Senate the very men who are ready to explode those guns against your capital? . . . let them be ejected from the councils of the nation." Near the conclusion of the arguments, Senator James McDougall turned aside the cautions of his colleague from California when he dryly noted that there might be no moral turpitude in their actions because "treason was always a gentlemanly crime. . . . However, it is none the less a crime. . . . No man has a right to a place on this floor who espouses a cause adverse to the Government."

Senator Latham made one last effort to temper the expulsion movement. He suggested that the southern senators be equated with United States army officers whose names were dropped from the rolls when they resigned from the Union forces at the outset of the war. The mood of the Senate would not hear of it. The ten senators were expelled by a vote of 32 to 10 on July 11, 1861.[25]

Among Kentucky's political leaders, none enjoyed a more illustrious national career than John C. Breckinridge, who had held the offices of representative, senator, and vice president. Breckinridge's Senate term started on March 4, 1861, as Abraham Lincoln began his administration and the southern states' determination to secede crested. A defender of the South on the Senate floor, Breckinridge personally hoped that secession could be stopped. By the fall of 1861, it became apparent that the secession movement was a reality and that Breckinridge's support of its proponents made his position in Washington untenable. The Kentucky senator hastily departed for Richmond. Though Kentucky, truly a border state with a population torn by divided loyalties, was forced to remain in the Union, Senator Breckinridge chose otherwise and pledged his allegiance to the Confederate forces.

Versed in the protocol of the Senate from his service as vice president, Breckinridge, unlike many other senators who followed the Confederacy, sent a formal letter of resignation to the Senate. On December 4, 1861, Republican Senator Zachariah Chandler of Michigan entered a brief resolution of expulsion.

A short discussion followed in which Illinois Republican Lyman Trumbull inquired of Breckinridge's Kentucky colleague, Lazarus Powell, if a rumor that Breckinridge had become a general in the Confederate army was true. Powell weakly attempted to avoid a direct answer but finally confirmed that Trumbull's information was correct. Breckinridge's acceptance of a prominent military position in the Confederacy compelled Trumbull to ask that the resolution state, "whereas Breckinridge, the traitor, had joined arms with the enemies of the government," he be expelled from the Senate. On this resolution, Breckinridge was expelled by a 36 to 0 vote on December 4, 1861.

In earlier expulsion cases, friends of the South argued that the senators should not be penalized for the secessionist decisions of their state governments but only for their own individual misconduct. As long as southerners did not take up arms against the United States government, their supporters maintained they did not deserve the censure of their colleagues. In the case of John Breckinridge, with Kentucky a Union state and the senator an officer in the Confederacy, southern sympathizers were caught upon the horns of their own argument.[26]

The political climate of Missouri erupted as the nation moved toward Civil War in the early months of 1861. Bitter fighting resulted when secessionists and unionists clashed in vicious encounters. Efforts to force Missouri to remain in the Union succeeded, but at the cost of heavy casualities on both sides. During these events, the behavior of both senators, Trusten Polk and Waldo P. Johnson, fortified the Missouri secessionists and irritated many of their Senate colleagues. Blatant support for the South voiced by members from a Union state demanded a response.

On December 10, 1861, President pro tempore Solomon Foot, a Vermont Republican, asked for the expulsion of Waldo Johnson based on the Missourian's sympathy for, and participation in, the rebellion. A week later, Senator Charles Sumner called for the expulsion of Trusten Polk as a traitor. Although the dates and the wording of the resolutions differed slightly, the Missouri situation essentially can be considered as a single case and was an extension of the earlier expulsions of July.

A general floor discussion about the Missouri senators took place on both December 12 and December 18. In the debates earlithat year, fervor carried the day and the expulsion question moved to a vote without first going to committee. By mid-December, however, senators retreated to their traditional concerns for evidence, form, and precedent. Senators James McDougall and James Bayard urged that correct procedures be followed. McDougall acknowledged that, in the July cases, he supported an immediate vote on the expulsions; however, in this case, neither a dispute over the facts nor a necessity for unseemly haste existed. McDougall reminded the Senate that, in such a serious matter, the rules should be followed closely, for the members had no way of knowing how often and by whom resulting precedents might be invoked in the future.

Senators who opted for immediate action highlighted the point that neither of the Missouri senators had appeared at any time during the year to claim his seat. As the Senate's attitude and its expulsion activities had been widely publicized, Republicans argued that the missing members might have made some effort to communicate with those in Washington. Their failure to do so confirmed the unofficial information that Johnson held an officer's position in the Confederate army and that Polk wrote public letters urging Missouri to join the southern cause. Nonetheless, the Senate sent the matter of the Missouri senators to the Judiciary Committee.

On January 9, 1862, that committee substantiated all the charges made against Johnson and Polk. Both had secretly crossed into rebel territory and sworn an oath of allegiance to the Confederate government. Satisfied that neither had demonstrated the slightest interest in answering the Senate charges and that both had participated in secessionist war activities, the committee recommended expulsion. On the following day, the Senate expelled Waldo Johnson by a 35 to 0 vote and Trusten Polk by a 36 to 0 vote. In the expulsion of Johnson and Polk, the Senate continued the trend established in the John C. Breckinridge case resolved earlier in December. The Senate could not tolerate a situation in which the senators of a Union state gave their open support to the enemy government.[27]

Mr. President, I shall now turn to the last occasion on which the Senate expelled one of its members. That event took place on Feb-

On February 5, 1862, the Senate expelled Jesse Bright of Indiana for disloyalty. *Library of Congress*

ruary 5, 1862. In the 121 years since, there have been fifteen additional efforts, but none has ended in formal expulsion.

Among the forty-four senators who remained after the southern states seceded, Jesse Bright of Indiana was the Senate's most senior Democratic member. A senator since 1845, Bright had earned a reputation for his knowledge of Senate rules and precedents and for his frank manner. He seldom avoided taking a firm position on sensitive issues, generally reaching a decision quickly with little regard for the long-term consequences of his stands. Bright's colleagues regarded him as capable of unswerving friendship to those who shared his proslavery views and as "an enemy who knew how to inflict punishment" to those who did not. His principal antagonists were abolitionist Senators Charles Sumner and Morton Wilkinson. In recognition of his seniority, Bright had served as the Senate's president pro tempore in 1854, 1856, and 1860. During his tenure in that position, Bright saw to it that Sumner received no committee assignments.

Shortly after the inglorious rout of Union troops at the First Battle of Bull Run in July 1861, Thomas Lincoln, a Texas arms merchant, was captured by federal forces as he attempted to cross into Confederate territory. Lincoln's captors found among his possessions a letter dated March 1, 1861. It was addressed to "His Excellency Jefferson Davis, President of the Confederacy" and bore the signature of Senator Jesse Bright. The brief document read as follows:

> Allow me to introduce to your acquaintance my friend Thomas B. Lincoln of Texas. He visits your capital mainly to dispose of what he regards a great improvement in firearms. I recommend him to your favorable consideration as a gentleman of the first respectability, and reliable in every respect.

In the following months before the Senate convened for the second session of the Thirty-seventh Congress, Washington was rife with speculation as to Bright's likely fate at the hands of his Republican Senate colleagues. Over the years, he had denounced those who equated abolitionism with loyalty to the Union. He believed that the rupture in the Union would be only temporary and that military force would have little effect in healing the break. Clearly, Jesse Bright was vulnerable in a Senate whose majority feared that southern sympathizers lurked throughout the highest councils of the national government.

On December 16, 1861, shortly after the Senate convened for the new session, Senator Wilkinson introduced a resolution providing for Bright's expulsion on grounds of disloyalty. The resolution was referred to the Judiciary Committee, which then consisted of five Republican and two Democratic members.

In his own defense, Bright argued that, although he had written the letter, he did not specifically remember doing so because he had sent thousands of similar commendations on behalf of his friends and constituents. Early in his career, Bright had served as Thomas Lincoln's attorney and, in 1861, felt it was only natural to introduce his friend to his former Senate colleague, Jefferson Davis. Bright contended that his letter followed the conventions of the day, using a polite form of address customary between two gentlemen. At the heart of Bright's defense was the question of the state of relations between the Union and the Confederacy on March 1, 1861, the date of the letter. He argued that the break was then considered by no means irrevocable.

This seemed to be the weakest point in Bright's case. His opponents pictured Jefferson Davis as the archtraitor who, in March 1861, was busily assembling arms for the Confederacy's April attack on the federal garrison at Fort Sumter. For Bright to introduce an arms merchant to Davis was, in their view, prima-facie evidence of treason. They also focused on the wording of his letter, underscoring its subservient tone with references to "Your Excellency" and "your capital." Where Bright's defenders agreed that he was guilty only of bad timing and indiscretion, his opponents charged that he violated his oath to defend the Constitution against foreign and domestic enemies.

The Judiciary Committee reported to the Senate on January 13, 1862. By a vote of 5 to 2, that panel found that the charges were *not* sufficient to justify expulsion. Debate in the Senate began a week later and continued intermittently until February 5, 1862. The most dramatic and damaging speech was made by Charles Sumner who demanded that the Senate purge itself of traitors. The decisive vote occurred on February 5, in a chamber filled to capacity with members of both houses and the public. During the proceedings, which lasted for five hours, Bright summarized his case, noting that the Republican caucus undoubtedly had already made the final decision. He spoke, he said, only to set forth his case for posterity. Upon completing his address, Bright gathered his belongings from his desk and walked out of the chamber. Moments later, the Senate, by a vote of 32 to 14, expelled him. He thereby became the fourth non-southern senator to be expelled during the war.[28]

Mr. President, twenty-five southern senators serving in 1860 terminated their Senate service as a result of the Civil War. Of that number, one resigned before the Senate could expel him, and four others had their terms expire in March 1861, so action against them was unnecessary. Among the remainder, ten were expelled by formal resolution. Of the twenty-five, seven went on to serve with Confederate military forces, ten became members of the Confederate congress, and eight occupied high posts in President Jefferson Davis' administration. The loss of such distinguished men from the United States Senate was but one further mark of the tragedy of the war that divided our Union.[29] Of that war, and the Senate's role in prosecuting it, I shall have more to say in my next address.

March 24, 1983

Mr. President, in continuing my remarks on the Civil War Senate, I would like to focus attention on one of the most remarkable and productive congressional sessions in history: the first session of the Thirty-seventh Congress. Meeting in the brief period between July 5 and August 6, 1861, members of that session passed sixty-seven public laws—all related to the military emergency—under the most trying circumstances. The atmosphere in which that Congress met was hardly conducive to reasoned debate and thoughtful legislation; yet, members certainly rose to the occasion. Through the open windows, senators could hear the commands of officers and the footsteps of marching soldiers as a hundred thousand troops streamed into the beleaguered city. The glint of sunlight on a hundred score gun barrels and a profusion of colorful uniforms certainly must have served as a great distraction.[30]

After the fall of Fort Sumter in mid-April of 1861, President Lincoln decided to delay calling Congress into session. He believed that Congress would only complicate and frustrate the unilateral actions he considered necessary to meet the immediate crisis. In swift succession he called for seventy-five thousand volunteers, expanded the regular army, declared a blockade of southern ports, and suspended the writ of habeas corpus in certain locations.

Lincoln knew that he could summon congressional leaders individually for advice and did so without hesitation. Furthermore, the president delayed his call to Congress as he could not be sure that Washington would be a safe meeting place for its members. Only the Potomac River separated the Union capital from the Confederacy. Lincoln feared that Confederate forces might sweep through the isolated capital city much as the British had done nearly a half century earlier.[31]

Lincoln's selection of the eighty-fifth anniversary of American independence as the initial date for the new congressional session was hardly a coincidence. As well as a day of great patriotic significance to members of Congress, the Fourth of July has traditionally been a festive time in Washington, and 1861 proved to be no exception. Although rebel forces surrounded the city, and their spies and sympathizers freely circulated within, Washingtonians made the most of their holiday. The day began with a grand parade of twenty thousand militiamen, mostly New York state volunteers. As their units swept down a steaming Pennsylvania Avenue, members of Congress took pride in the assembled military force and the fact that most of the marching men were volunteers in the grand tradition of Lexington and Concord; yet, that pride had to be tempered with the stark realization that these troops were under obligation to the government for only three months. Within a few weeks, enlistments would expire, and beneath the panoply of colorful uniforms and blaring bands was the reality of a military force that was ill-trained, poorly equipped, and badly led by officers who owed their posts to political influence.

Even more depressing to the men who assembled in the Senate and House chambers on that festive holiday was the nation's sorry financial situation. The treasury was nearly empty. At the beginning of the previous congressional session, there had not even been sufficient funds to pay members of Congress. Revenues were inadequate for a peacetime economy, and the necessities of war threatened the country's financial system with collapse.[32]

The Senate met only briefly on the Fourth of July. Its ranks depleted by southern defection, the body's forty remaining members welcomed two senators from the new state of Kansas, as well as one from California and, sadly, a replacement for Stephen Douglas of Illinois. Scarcely a month earlier, the forty-eight-year-old senator had died of acute rheumatism, depriving the Senate's Democrats of an outstanding leader. The following day was set for the reading of the president's emergency message to Congress.

Before discussing the issues that awaited the Senate of the Thirty-seventh Congress, I shall mention the Senate's composition and principal leaders. As I have previously noted, Republicans controlled the chamber by a margin of more than two to one. Most of the Democratic party's rising leaders in the Senate on the eve of the Civil War had been men of the South. The departure of Mississippi's Jefferson Davis and Virginia's Robert M. T. Hunter had deprived the party of its younger and more promising talent. With Douglas gone, and Kentucky's John Breckinridge so strongly allied to the southern cause as to make his expulsion a virtual certainty, the Democrats simply drifted, hoping that the recent 1860 elections would prove to be but "a temporary derangement from the normal and natural Democratic national majority." Unfortunately for the Senate's Democrats, that "temporary derangement" lasted longer than they feared. Not until 1879 would their party resume control of the Senate, and then only briefly.[33]

The impact of Republican control was reflected in the way that committee assignments were made. Since the 1840's, the majority had arranged the division of committee seats, allowing the minority to name its members to the available vacancies. In 1861, the new Republican majority withdrew that courtesy and took the liberty of arbitrarily designating Democratic members for vacant seats. Furthermore, Democrats were permitted only two seats on seven-member committees and but a single seat on the five-member panels.[34]

Within the Senate's Republican majority, control rested overwhelmingly with its New England members. Overnight, the Senate had been transformed into a truly sectional body. The New Englanders chaired half of the Senate's twenty-two standing and joint committees. This gave them control of the principal war-related committees, including Military Affairs, Naval Affairs, Finance, and Foreign Relations. Even the crucial Judiciary Committee fell under the domination of Connecticut-born Lyman Trumbull of Illinois.[35]

As was customary in the days before the election of specifically designated floor leaders, the Senate of the Thirty-seventh Congress drew its leadership from chairmen of these and other major committees. Foremost among those leaders was Charles Sumner of Massachusetts, the new chairman of the Foreign Relations Committee. I have spoken often of Sumner in this series. He was a fascinating figure whom one observer has labeled "polished, arrogant, oracular, vain, and totally devoid of a sense of humor." [36]

After ten years in the minority, Sumner relished his new status as chairman of the Foreign Relations Committee with its guarantee of immediate access to the president and oversight of activities within the Departments of State and War. Initially, as chairman, Sumner tried to moderate his earlier stridency on the subject of abolition of slavery and sought to get along with his committee's more conservative members. Sumner, in 1861, seemed to be observing Senator Jacob Collamer's admonition regarding responsibilities of majority parties, that "whenever a party is the dominant party, and in the possession of power, it may require a very different measure of duty from each individual that composes that party from what it would when they were in the minority." [37] Collamer's observation was a correct one and would be equally true today. Sumner conducted committee meetings with dignity and went so far as to order removal of the committee's liquor cabinet and ever-present box of malodorous black cigars.

Early in the Lincoln administration, the president found himself drawn to Sumner for counsel on foreign policy matters in preference to his own secretary of state, William Henry Seward. By the end of 1861, Sumner had, in effect, established his own little State Department on Capitol Hill.[38]

Sumner's Massachusetts colleague, Henry Wilson, moved into the chairmanship of the vital Committee on Military Affairs in 1861. Known as the Natick Cobbler, a throwback to his pre-Senate vocation, Wilson lacked Sumner's polish and formal education but quickly earned a reputation as a tireless and constructive legislator. Born to an impoverished New Hampshire farm family, Wilson was given the name Jeremiah Jones Colbath, after a rich bachelor neighbor, in the vain hope of an inheritance if Mr. Jones died without heirs. At age ten, Jeremiah was bound out to a nearby farmer who agreed to feed and educate him in return for the lad's labor until his twenty-first year. During his indenture, Jeremiah read avidly, "inwardly digesting" nearly one thousand volumes including the best in American history and biography. When he turned twenty-one, he received his liberty along with six sheep and a yoke of oxen. Wishing to dissociate himself from his difficult early years, the young man celebrated his majority by changing his name to Henry Wilson. After serving as senator, he became vice president under President Grant, and, as I have mentioned earlier, he died in the Vice President's Room outside this chamber in November 1875.[39]

During the 1861 session, Wilson made major contributions to the development of American military forces. General-in-chief of the army Winfield Scott declared that, in that brief session of Congress, Wilson had done more constructive work "than all the chairmen of the military committees, had done for the last twenty years." Wilson grew impatient with his colleagues who questioned his judgment on military matters. At one point, his frustration with their slow pace in the face of military necessity erupted as he complained that if he introduced the Lord's Prayer, senators would attempt to amend it.[40]

Elsewhere in New England, the state of Maine provided the chairman of the Finance Committee. Senator William Pitt Fessenden has been described by historian Allan Bogue:

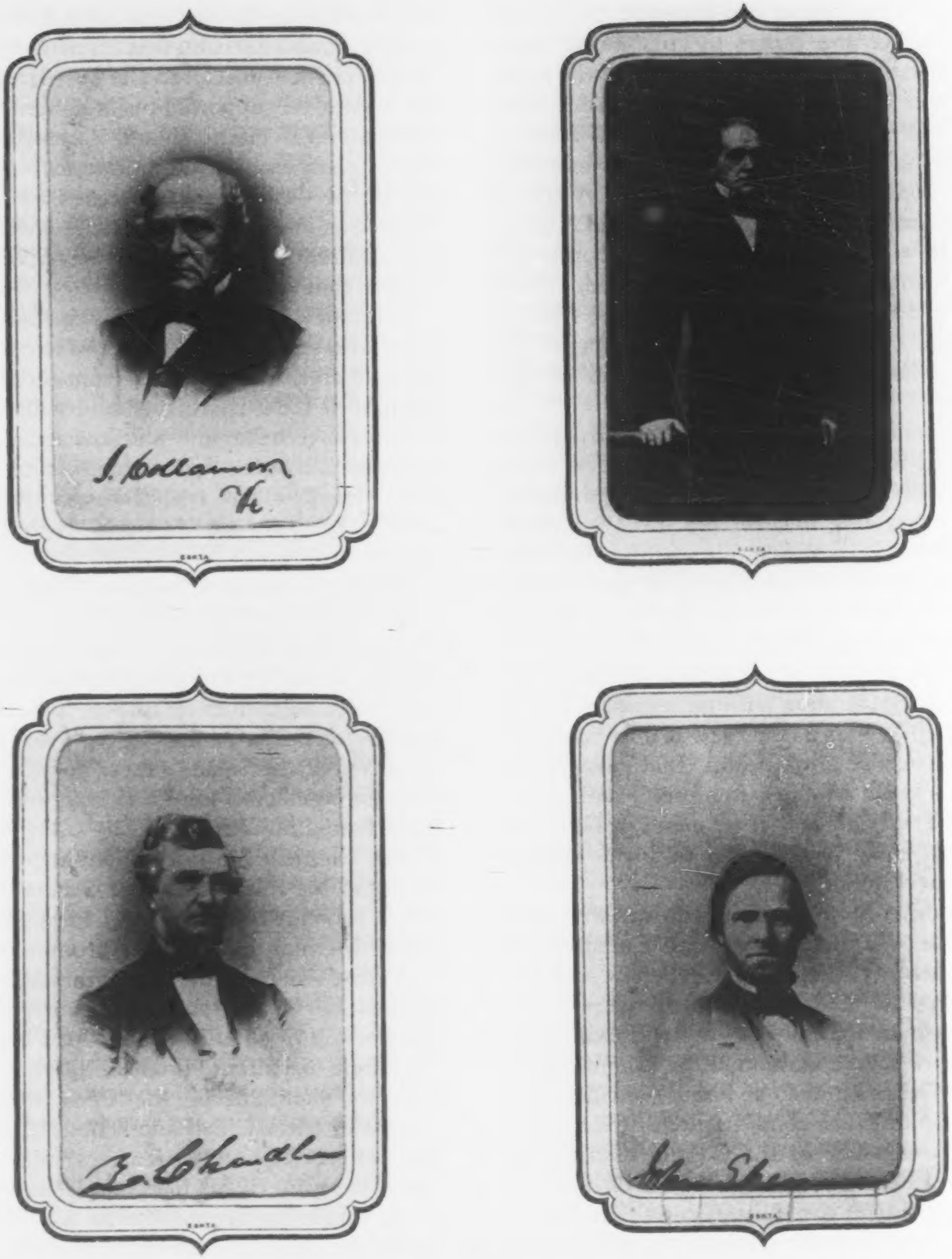
> His level gaze, high-bridged nose, and firm lips and chin identified a man who would be intimidated by none; although known as a genial friend and a speaker who on occasion enlivened the chamber with humorous sallies, he was also capable of devastating sarcasm and a remorseless recall and logic that left colleagues rash enough to question either his motives or his acts, licking their wounds in frustrated fury.

Widely considered the Republican party's principal floor leader, Fessenden revered the

Lm Trumbull
W. P. Fessenden
Charles Sumner
Henry Wilson

In a Mathew Brady photograph album of the period could be found some of the principal leaders of the Senate: *this page from top left clockwise,* Lyman Trumbull of Illinois, William Pitt Fessenden of Maine, Henry Wilson and Charles Sumner of Massachusetts.

Library of Congress


J. Collamer
Vt.
Z. Chandler
John Sherman

Meeting under the most trying circumstances, the Civil War Senate produced constructive debate and thoughtful legislation. Among the Senate's principal leaders were, *this page from top left clockwise,* Jacob Collamer and Solomon Foot of Vermont, John Sherman of Ohio, and Zachariah Chandler of Michigan. *Library of Congress*

Senate's precedents and deplored the efforts of Sumner and others to circumvent them through appeals to action based on the more abstract authorities of "Truth, Justice, and Liberty." [41] Fessenden was an able debater, speaking in a quiet manner with a magnificent command of simple English. A friend once told him that his only weakness in debate was that he illustrated his points too exhaustively. Fessenden responded, "That fault I acquired in addressing juries, where I always tried to adapt my argument to the understanding of the dullest man of the twelve." [42]

Fessenden patiently and constructively shaped legislation to increase tariffs, institute personal income taxes, and expand federal borrowing to meet the war's insatiable demands for revenue. He also oversaw the appropriations process in those days before creation of a separate Appropriations Committee. During the July 1861 session, Fessenden reflected the pervasive war-induced tension and frustration within the Senate by observing: "When a man feels as if he could cut everybody's throat, and that everybody wants to cut his, he is in a pretty bad condition. The truth is that no man can be found who is equal to this crisis in any branch of the government." [43]

Another New England chairman of consequence was Vermont's Jacob Collamer. At age seventy, he was the Senate's oldest member in 1861 and served as principal spokesman for the body's Republican conservatives. As chairman of the Committee on Post Offices and Post Roads—incidentally, the Senate Democratic Leader's office today, in Room S–208 of the Capitol, is a former office of the Committee on Post Offices and Post Roads; it has been painted over, but, if one looks over the door, it can still be discerned—Collamer had great patronage resources, but his Senate influence came largely through his exhaustive attention to countless legislative details, his abundant good judgment, and his calm determination in the face of crisis. Considered the best lawyer in the Senate, he supported his arguments with detailed legal citations and carefully reasoned analyses. Lacking oratorical power, the gentle Collamer was listened to in the Senate, as one colleague noted, "with profound attention as one who never offered counsel that was not needed." [44]

Vermont's other senator was Solomon Foot, who served as president pro tempore in the vice president's absence from early 1861 until April 1864. Distinguished by his white hair, massive head, and pleasant smile, Foot was regarded as the "most senatorial of senators." He presided with fairness that endeared him to all factions within the Senate.[45]

Turning from New England to the Midwest, I shall mention four other key senators who guided major Senate committees during the war years. Even among this group, the New England influence abided, as three of them were raised in the region. From Ohio came two of the Senate's most notable Civil War era members—John Sherman and Benjamin Franklin Wade.

John Sherman was only thirty-eight when he began his thirty-two-year Senate career in the July 1861 session. As I have already noted, Sherman had risen to prominence in the House where border-state animosity had blocked his nearly successful bid for the Speakership in 1859. There, he had become an expert in public finance, serving two years as chairman of the Committee on Ways and Means. Tall and scholarly, Sherman impressed other senators with the "quiet elegance of his manners." He hoped, on arriving in the Senate, that he would have the leisure to study and analyze legislation. Although that wish went unfulfilled, Sherman became a leader within the Senate Finance Committee, second only to Chairman

Fessenden, and he contributed greatly to the shaping of wartime financial legislation.[46]

Ben Wade, along with Solomon Foot and Charles Sumner, had the distinction of having the longest continuous service among the Senate's Republicans in 1861. Considered the leader of his party's radical faction, Wade had been characterized as "a man of uncommon downrightness." There was, one observer recalled, "even a sort of fascination about his profanity." A newspaper correspondent once described him as customarily thundering into the Senate chamber as "grim as a bear in ill health." [47] A staunch foe of slavery since his arrival in the Senate a decade earlier, Wade along with Senators Sumner and Zachariah Chandler held fast against compromise with southern Democrats throughout the 1850's.

The depth of Wade's feeling became apparent in 1858 when Senators James Green of Missouri and Simon Cameron of Pennsylvania traded insults on the Senate floor. When Green threatened to settle the matter by force, Cameron sought the counsel of Wade and Chandler. The latter two decided the time had come to put an end to such threats of violence. Together, they prepared a secret written compact in which they agreed to "resent any repetition of this conduct by challenge to fight, and then to carry the quarrel into the coffin." [48] Fortunately, Wade and Chandler never had an occasion to carry out the terms of that deadly pact. By 1861, from his platform as chairman of the Senate Committee on Territories and the Joint Committee on the Conduct of the War, Wade had become one of the most belligerent men in the Congress, demanding swift and decisive military action from the president and his generals.

Wade's ally, Zach Chandler, served as chairman of the Commerce Committee with its powerful jurisdiction over river and harbor appropriations. Lincoln's biographer, Stephen Oates, describes Chandler as a "restless, rawboned New Englander who'd migrated west to make money and history [who was] smooth-shaven and wore an eternally grim expression" [49] A millionaire merchant, Chandler had been one of the original founders of the Republican party and was considered more influential in its councils than he was on the Senate floor. A natural leader, Chandler possessed supreme self-confidence and was absolutely fearless. Frequently violent and intemperate in debate, Chandler worked against compromise as war neared and calmly welcomed its onset observing that "without a little bloodletting, this Union will not . . . be worth a rush." [50] I shall have more to say of Chandler and Wade shortly.

Lyman Trumbull of Illinois chaired the Judiciary Committee at a time of profound testing for the Constitution. Noted for his stern and unbending legalism and his respect for the prerogatives of the legislative and executive branches, Trumbull strongly opposed Lincoln's extraordinary arrogation of power prior to the July 1861 session.

He declared, "I am disposed to give the necessary power to the Administration to suppress this rebellion; but I am not disposed to say that the Administration has unlimited power and can do what it pleases, after Congress meets." [51] Trumbull's deceptively mild and frail appearance belied his strong political conscience and his resourcefulness in committee and on the Senate floor. A former Democrat, Trumbull exercised moderation on every significant issue except secession. When confronted with the South's attempt to destroy the Union, the Illinois senator was uncompromising in his demand that Lincoln move swiftly to bring the rebellious states to their knees.[52]

When the Senate convened on July 5, 1861, Trumbull was pleased with the tone and scope of Lincoln's emergency message.

Speaking as one aware that he would be judged by the public opinion of the world as well as of the nation, the president displayed calm and moderation in his communication to Congress. Appealing to reason rather than passion, he recounted the calamitous events since the time of his election and his response to them. Then, Lincoln put forth the central issue: the future of constitutional government and "the fate of these United States." Said the president:

> It presents to the whole family of man the question, whether a constitutional republic, or democracy—a Government of the people by the same people—can or cannot maintain its territorial integrity against its own domestic foes. It presents the question, whether discontented individuals, too few in numbers to control administration, according to organic law, in any case, can always, upon the pretenses made in this case, or on any other pretenses, or arbitrarily, without any pretense, break up their Government, and thus practically put an end to free government upon the earth. It forces us to ask: "Is there, in all republics, this inherent and fatal weakness?" "Must a Government, of necessity, be too *strong* for the liberties of its own people, or too *weak* to maintain its own existence?"
>
> So viewing the issue, no choice was left but to call out the war power of the Government; and so to resist force employed for its destruction, by force for its preservation.[53]

Then, Mr. Lincoln asked Congress for the only two elements necessary to rapidly prosecute the war—money and men. When reprinted in newspapers across the nation, his message renewed the Union's wartime fervor as had no event since the fall of Fort Sumter. Members of the Senate moved quickly to grant the president's request, immediately introducing legislation providing for 400,000 men and $400 million. Over the course of the thirty-day session, both chambers cleared measures to reorganize the army, enlarge the navy, and develop massive new sources of revenue. In the latter category, Congress enacted the nation's first personal income tax, a measure that applied a 3-percent tax against all annual incomes greater than $800. Tariffs were added to imports that had previously been duty-free, and new taxes were applied to the sale of distilled spirits, beer, ale, wine, and tobacco.[54]

It is, indeed, a moving experience to read through the collected statutes of that short session. Plainly evident within the seventy-two printed pages that contain the session's legislative product is the struggle of a Congress seeking to meet the emergency needs of a nation totally unprepared for war. The earlier statutes in these pages address the needs of organization and preparation. Funds were appropriated to pay militia and volunteers, and to buy books on tactics for novice soldiers and their equally ill-prepared officers. There were measures funding the purchase of horses and surgical supplies. Provision was made to allow female nurses to replace soldiers "when it is expedient to do so" at a compensation of forty cents per day. Throughout that statute book, one finds appropriations for regimental bands. There are even funds to reimburse the band stationed at Fort Sumter for the loss of its instruments as a result of the hasty withdrawal from that garrison.[55]

Following the first major engagement of the war, the tone of the statutes becomes more desperate with provisions for allowances to widows and children coming three days after the Battle of Bull Run. We also find procedures for courts-martial and penalties for disobedience of presidential orders. There are even funds for special security lighting arrangements for the Capitol and White House.

Midway through this flurry of legislative activity, on July 21, 1861, Union forces suffered a disastrous defeat in the Virginia countryside not far from Washington. As I have just suggested, the outcome of that engagement at Bull Run quickened Congress' pace and altered its view of the measures required for a successful outcome. One observer concluded that

> for the first time people began to realize that we were to have a war with bloody fighting and much suffering, with limitless destruction of property, with costly sacrifice of life. . . . The young men who had enlisted for a summer excursion suddenly found that they were engaged in a bloody war in which comrades and friends had been slain by their side, and in which they saw nothing before them but privation, peril, loss of health, and possibly loss of life.[56]

The Battle of Bull Run was not supposed to have ended so disastrously. Word of the impending battle reached the Capitol on Saturday, July 20. The Senate was in session that day, and many members fought to obtain passes across the Potomac for access to the Virginia countryside. Demand for picnic lunches exceeded the ability of local chefs to prepare them. Churchgoers decided that they could risk missing one Sunday's attendance in order to be present at what they presumed would be the war's first and last engagement. By late Saturday, it was impossible to find a carriage for hire, even at scalpers' prices.

Historian Margaret Leech, in her enjoyable book *Reveille in Washington,* beautifully describes the start of that fateful Sunday:

> In the tranquil loveliness of the summer morning, the army of the sight-seers crossed the silver Potomac, and drove through the wooded hills, the deserted farms and the ripening cornfields of the Virginia countryside. The gentlemen were dressed in thin summer clothing. They carried spyglasses, rifles and revolvers. In their comfortable carriages, they had stowed rich lunches, bottles of wine and flasks of Monongahela and bourbon. There were a few adventurous ladies among them. Negroes looked from the doors of their cabins, as they jolted over the road plowed up by artillery and army wagons. The muffled pounding of artillery began to be heard in the distance, growing heavier and louder as the carriages rolled toward Fairfax.[57]

Among those festive travelers were Senators Ben Wade and Zach Chandler. Armed with Maynard rifles and navy revolvers, the two members hired a carriage and, in the company of the Senate sergeant at arms, George Brown, rode off to view the battle.

Although outnumbered by Union troops, Confederate forces had the advantage of early warning, thanks to their effective spy network close to the highest councils of government. Additionally, they were able to fight from a stationary position, while Union forces had to advance over unfamiliar terrain against forces of unknown size. During the march, northern troops became badly disorganized and their officers, generally inferior to those leading southern forces, were unable to bring them back to order. The result, as I have indicated, was a devastating defeat for the North.

Historian Allan Nevins has painted a vivid picture of the rampage that occurred between the battlefield at Manassas and the safety of Alexandria. He wrote:

> The fields were dotted with fugitives, mounted officers outstripping privates afoot. Down the Centreville highway poured a river of wagons, ambulances, soldiers belaboring mules, and dirty, disheveled troops. Every vehicle was jammed with men, who threw out even ammunition to make room. The ground was covered with provisions, overcoats, knapsacks, blankets, muskets, canteens, and cartridge boxes. Drivers whipped their teams; reeling soldiers clung to stirrups and wagon gates; and at every interruption of traffic masses of troops yelled frantically with rage: "The cavalry is on us! Get along, get along!" Over the crossroads rose columns of dust, for here, too, masses of troops were fleeing as from some unknown terror. As the flight roared northward, its noise like that of a great river, more and more men fell out from exhaustion. At Centreville some fresh reserve regiments formed a line on a good defensive slope, and the fleeing forces might well have considered themselves safe. But when a neighboring battery opened fire, the thud and flash precipitated a fresh panic.[58]

Senators Wade and Chandler encountered this fleeing multitude. Furious at such display of cowardice, Senator Wade determined to stop the retreat at all costs. Quickly, he drew his carriage across the escape routes making passage impossible. There, the sixty-year-old senator staged a bold stand against the raging onslaught of panic-stricken federal forces. For a few grim minutes, he held off the multitude. Finally, reinforcements arrived to relieve him of his hopeless mission. Then the senators angrily turned their carriage back to Washington and headed directly for the White House.[59]

As the dust of retreat settled along the highways from Virginia, senators reflected on the new seriousness of the war situation. In action taken before Bull Run, the Senate had approved a resolution offered by Tennessee's Andrew Johnson declaring that the principal objective of military action was simply to restore the Union without tampering with state institutions. Among these "institutions" was slavery, which the Constitution protected within the existing states. When the Senate met on the day following the battle, the mood had changed dramatically. Members realized that the war would not soon be over, and many believed an expansion of objectives was necessary. As one observer put it, "if the National Government did not interfere with slavery, slavery would seriously interfere with the National Government." [60]

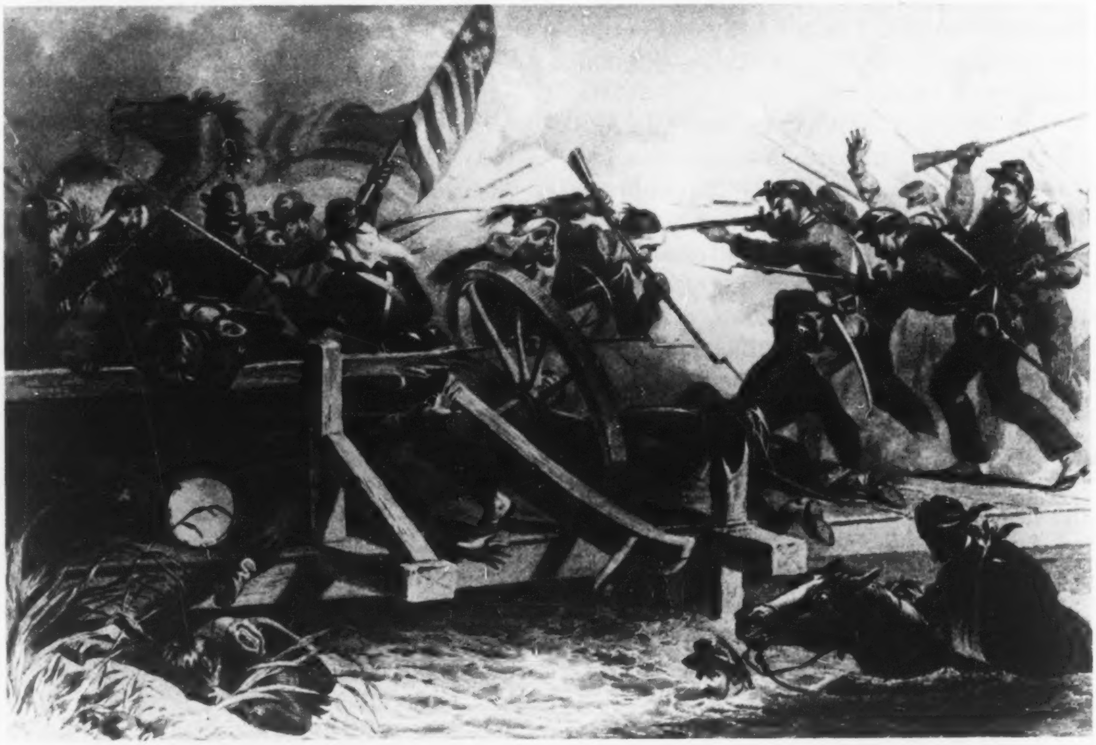
Mr. President, the Senate's frustration became apparent as members took up a pending measure providing for confiscation of "property used for insurrectionary purposes." Judiciary Committee Chairman Lyman Trumbull immediately proposed an amendment to include "persons" as well as property in cases where those persons happened to be slaves used to aid insurrection or to otherwise help the South's cause. At Bull Run, the Confederates had used slaves by the thousands to build earthworks, to drive teams, to do the cooking, and to undertake many other forms of camp drudgery.[61]

Military Affairs Committee Chairman Henry Wilson, who had been among those senators to witness Sunday's disaster, spoke eloquently in support of the amended measure. He said:

> The idea that men who are in arms destroying their country shall be permitted to use others for that purpose, and that we shall stand by and issue orders to our commanders, that we should disgrace our cause and our country, by returning such men to their traitorous masters, ought not longer to be entertained. The time has come for that to cease; and, by the blessing of God, as far as I am concerned, I mean it shall cease. If there is anybody in this Chamber that chooses to take the other path, let him do it; let him know what our purpose is. Our purpose is to save this Government and save this country, and to put down treason; and if traitors use bondsmen to destroy this country, my doctrine is that the Government shall at once convert those bondsmen into men that cannot be used to destroy our country.[62]

In opposition, border state and midwestern Democrats complained that the Confiscation Act was a thinly disguised emancipation act, but its supporters successfully responded that the measure's only purpose was to weaken Confederate military forces to end the war rapidly. From that point on, the war was to be prosecuted with severe military means, and those in rebellion could expect no protection under the Constitution. Of greatest significance, however, the Confiscation Act, as passed, provided the first means since the beginning of our republic by which a slave could obtain his freedom. It was a small but auspicious beginning on a long and tortuous road out of bondage.[63]

A demonstration of increased senatorial resolve to move ahead swiftly with the war occurred in this chamber shortly after the Bull Run fiasco. It involved a confrontation between Kentucky Senator Breckinridge and Oregon Senator Edward Dickinson Baker. For weeks, Breckinridge had continued his vituperative attacks on the North and the Lincoln administration, charging that their



Artist W. Ridgeway captured the furious struggle as Union forces attempted to retreat during the July 1861 Battle of Bull Run. *Library of Congress*

response to southern secession would forever doom the operation of constitutional government. Finally, the Republicans had had enough of the Kentucky Democrat's harassment. Into this highly charged climate stepped Baker of Oregon.

Edward Dickinson Baker had come to the Senate from Oregon less than a year earlier. Born in England, he had moved to the United States in 1815. By the mid-1830's, he had become a successful lawyer in Springfield, Illinois, earning a reputation on a par with such other Illinois lawyers as Lincoln, Stephen Douglas, and Lyman Trumbull. He defeated Lincoln for a term in the House in the mid-1840's but agreed to step aside two years later so that Lincoln could take the following term. As a mark of his respect, Lincoln named his second son after Baker.[64]

Baker served with distinction in the Mexican War and, in 1852, moved to California, where he became prominent as a lawyer and a gifted orator. One of his most memorable addresses took place in 1859 at the funeral of Senator David Broderick. Killed by California's chief justice, Broderick has the dubious distinction of being the only senator ever to die in a duel while in office. Moving to Oregon in 1860, Baker soon won election to the Senate, becoming the only Republican from the Pacific Coast sent to support the new Lincoln administration.[65] On March 4, 1861, Baker had the honor of presiding at Lincoln's inaugural, as did another Oregon senator, our colleague Senator Mark Hatfield, at the swearing in of another Republican president 120 years later—Ronald Reagan.

On August 1, 1861, Senator Breckinridge took the Senate floor to oppose a bill providing for the use of martial law to suppress sedition and insurrection. For nearly thirty minutes, the forty-year-old senator spoke forcefully about the measure's threat to constitutional liberties. Meanwhile, Senator Baker had entered the chamber dressed in the blue uniform of a Union army colonel. In addition to his Senate duties, Baker had undertaken to raise, train, and lead a militia unit known as the California Regiment. Baker sat quietly listening to the Kentuckian's words. When Breckinridge finished, Baker began to speak, calmly at first but more heatedly as his oratorical brilliance came into play. Challenging Breckinridge's counsels of moderation, Baker asked:

> What would he have? Or would he conduct this war so feebly, that the whole world would smile at us in derision? What would he have? These speeches of his, sown broadcast over the land, what clear distinct meaning have they? Are they not intended for disorganization in our very midst? Are they not intended to dull our weapons? Are they not intended to destroy our zeal? Are they not intended to animate our enemies? Sir, are they not words of brilliant, polished treason, even in the very Capitol of the Confederacy? [66]

Mr. President, at that point the galleries erupted in applause and tumult. After order was restored, Baker continued with these dramatic lines:

> What would have been thought if, in another Capitol, in another Republic, in a yet more martial age, a senator as grave, not more eloquent or dignified than the Senator from Kentucky, yet with the Roman purple flowing over his shoulders, had risen in his place, surrounded with all the illustrations of Roman glory, and declared that advancing Hannibal was just, and that Carthage ought to be dealt with in terms of peace? What would have been thought if, after the battle of Cannae, a senator there had risen in his place, and denounced every levy of the Roman people, every expenditure of its treasure, and every appeal to its old recollections and the old glories? [67]

Another brief interruption followed as Senator Fessenden, who sat near Baker, whispered audibly in answer to Baker's rhetorical question, "He would have been hurled from the Tarpeian Rock." (This was in reference to a peak on the Capitoline Hill in ancient Rome from which condemned criminals were hurled.) In his labored response, Breckinridge assumed that Sumner had uttered the whispered remark and verbally attacked the Massachusetts Republican, much to the latter's consternation. Accustomed to such abuse, Sumner let it pass. When Breckinridge read the transcript of this exchange the following day in the *Congressional Globe,* he compounded his insult by failing to apologize to Sumner. Such were the passions of the hour.[68]

The Baker-Breckinridge exchange became the talk of Washington and the nation in the closing days of the congressional session. Preoccupied with the military situation, Lincoln was relieved that Congress finished its work on August 6. In the final hours, Congress had approved a resolution validating all of the president's emergency actions although it specifically refused to mention suspension of habeas corpus, viewing that act as a congressional prerogative. Until the December session, management of the war and the nation's destiny would remain exclusively with the president.[69]

As the first session of the Thirty-seventh Congress ended in the deep gloom of Bull Run, the second session began in the shadow of another grave military disaster—the Battle of Ball's Bluff. On October 21, 1861, Union General Charles P. Stone dispatched part of his division on a mission across the Potomac River, forty miles north of Washington, to probe the strength of Confederate forces near Leesburg, Virginia. Stone sent a larger party than the circumstances demanded. At once, Confederate forces ambushed his remaining hapless troops, including a unit under the command of Senator Edward Dickinson Baker. In the horror that followed, Union soldiers were swept down a steep bluff and trapped without means of escape between the bluff and the Potomac River. Many were shot or drowned as they tried in vain to swim to the Maryland shore. When the engagement ended, Union losses amounted to two hundred dead and seven hundred captured. Among the dead was Senator Edward Dickinson Baker.[70]

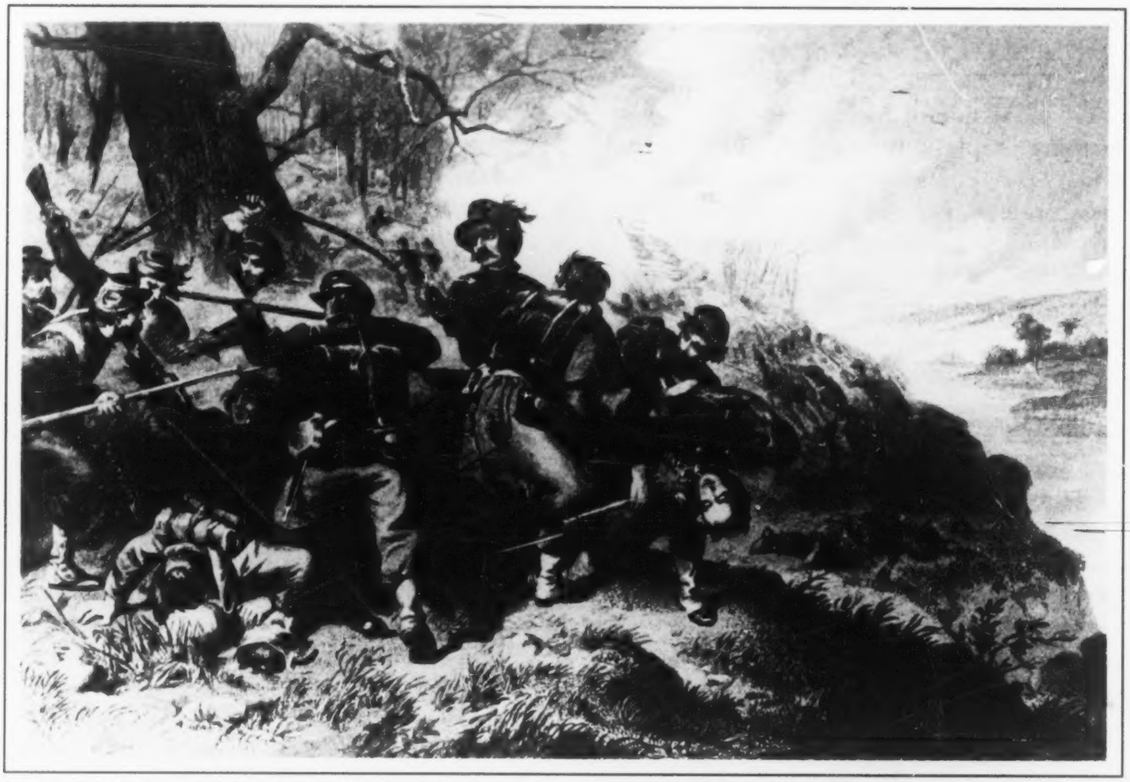
As Union bodies floated down the Potomac, word of Baker's tragic death reached the president who was at the War Department. With tears streaming down his face and hands pressed firmly against his chest, Lincoln left the war office, stumbled as he stepped into the street, and returned to the White House without a word. Later, the president said that Baker's loss "smote like a whirlwind." That night as Lincoln paced in his office, with the rain pelting at the windows, his ten-year-old son Willie set down the following verse on tear-stained pages:

> There was no patriot like Baker,
>   So noble and so true:
> He fell as a soldier on the field,
>   His face to the sky of blue. . . .
> No squeamish notions filled his breast,
>   The Union was his theme,
> "No surrender and no compromise,"
>   His day thought and night's dream.
> His country has her part to play,
>   To'rds those he left behind,
> His widow and his children all—
>   She must always keep in mind.[71]

A fierce outcry echoed across the nation in the wake of the humiliating rout at Ball's Bluff. Of little military significance, the engagement had great political consequences. As citizens rallied to the colors, and enlistments exceeded the 500,000 authorized by Congress, Senators Wade, Chandler, and Trumbull paid a call on the president. They told him they could not support further drift and delay. In their judgment, the nation demanded action: a major and decisive drive against rebel forces near the capital. They suggested that perhaps Lincoln's commander, George McClellan, was hesitating because he was a Democrat with secret southern sympathies. The three senators also had their doubts about Lincoln. After they left the White House, Wade called the president "a fool," and Chandler and Trumbull agreed that the new chief executive was weak and inefficient. By the start of the Senate's December session, other congressional Republicans shared the view that Lincoln was too inexperienced for his job.[72]

The senators decided to take the initiative. Shortly after Congress convened, Chandler offered a resolution to launch an investigation of the Ball's Bluff disaster. Other members urged that the inquiry be expanded to cover the entire subject of military operations, and, on December 10, Congress established the Joint Committee on the Conduct of the War. Radical Republicans then moved quickly to take control of that panel and succeeded with the appointment of Senator Wade as its chairman.

Mr. President, the Joint Committee on the Conduct of the War quickly came to be labeled a sinister and dangerous body of inquisition. Its opponents then, and in the years to follow, have seen the committee as an example of the worst kind of congressional interference in military matters. They have noted that it held its meetings in secret in the Capitol basement and that it forced the resignation of top Union generals. As recently as the early 1940's, Senator Harry Truman, in taking over a similar Senate committee to investigate the United States' conduct of



Union soldiers rescue the body of Brigadier General—and Senator—Edward Dickinson Baker as the Battle of Ball's Bluff rages.
Library of Congress

World War II, promised not to repeat the errors of the Civil War panel.[73]

Recent studies have demonstrated that this view is less than accurate. The committee operated, under limits placed by Congress, to force Lincoln to revamp the military command structure and served as a vehicle for adding abolition of slavery to the stated war objectives. As in the case of Senator Truman's World War II committee, the joint committee succeeded in uncovering corruption and inefficency in the conduct of military and supporting operations. Finally, the committee served as a vital propaganda agency, bringing enemy atrocities to public attention to strengthen morale in desperate times. Far from intimidating the Union commander, General George McClellan, the committee received that officer's unceremonious rebuke on one notable occasion when Senator Wade arrived on the battlefield for a personal inspection. Seeking shelter from a rainstorm, the chairman and his party were chased from a house by troops with orders to discourage such congressional visitations. By war's end, the joint committee had compiled an impressive investigative record, performing as a significant organ of persuasion rather than coercion.[74]

Mr. President, establishment of the Joint Committee on the Conduct of the War at the start of the second session of the Thirty-seventh Congress signaled a significant deterioration of relations between Congress and the

Lincoln administration. During the short and remarkably productive first session, Senate Republican leaders had gone out of their way to respond fully to the president's requests for the men, money, and executive authority he needed to bring the war to a speedy and successful conclusion. By December, Radical Republicans had lost patience with Lincoln's General-in-chief George McClellan and his strategy of procrastination. Senator Zach Chandler conveyed that frustration in charging that "General McClellan's forte is digging and not fighting. . . . Place him before an enemy . . . and he will burrow like a woodchuck. His first effort is to get into the ground." [75]

The second session, which ran from December 1861 to July 1862, brought remarkable legislative accomplishments in the nonmilitary realm. While the administration was preoccupied with the war effort, the Senate and House moved ahead with an extensive legislative program that had been at the heart of the Whig-Republican agenda of the late 1850's. Withdrawal of forceful southern opponents to that agenda cleared the way for its advancement. During the remainder of the Thirty-seventh Congress, Congress clearly dominated the executive in the formulation of policies designed to affect the nation's development for decades to come.

One of the most pressing issues awaiting senators of the Thirty-seventh Congress was the revitalization of the nation's antiquated financial system to provide adequate funding for the war. At the beginning of the conflict, the federal government had been totally divorced from the country's banking and financial system. All payments from or to the central government had to be made in specie rather than in paper currency. By 1861, there were seven thousand different types of state and local bank notes in circulation. Many were counterfeit and others were similarly worthless because their issuing banks had gone out of business. Even the notes of sounder banks circulated at a discount, producing chaos and uncertainty barely tolerable even in a peacetime economy. To provide a sound currency to meet the war's growing demands, Congress passed the Legal Tender Act early in 1862. This measure authorized the printing of $150 million in paper money which soon became known as "greenbacks." [76]

In expressing the banking community's opposition to the measure, one of its members claimed that abandonment of specie was immoral. He said, "By common consent of the nations, gold and silver are the only true measure of value. These metals were prepared by the Almighty for this very purpose." Senate Finance Committee Chairman Fessenden shared this view, adding, "It shocks all my notions of political, moral, and national honor." Yet, he concluded, despite these reservations, that the nation had little alternative. This act did not establish a specific gold reserve to support the new currency and it did not set a date for redemption. To ensure the greenbacks' negotiability, Congress simply declared these notes "legal tender in payments of taxes, internal duties, excises, debts, and demands of every kind," except duties on imports. Thus, under the exigencies of war, the nation gained a uniform currency to meet the demands of an expanding economy. [77]

In May 1862, Congress established the Department of Agriculture to provide useful information on topics related to agriculture throughout the nation. Within several days, the president also approved the Homestead Act to promote western agricultural expansion by providing a minimum of 160 acres of public lands at $1.25 per acre to any citizen over twenty-one years of age who occupied and improved that land for five continuous years. The House had passed this measure repeatedly in the 1850's only to see it founder on southern opposition in the Senate. It had been a major plank in the Republican party's 1860 platform and undoubtedly accounted for that party's great victory in the Northwest. As western states enjoyed proportionally greater representation in the Civil War Senate than they did in the House, the Homestead Act passed by a margin of five to one with little debate. Republicans from that region were simply unwilling to face the 1862 elections without redeeming that important promise.[78]

As with the Homestead Act, measures to finance construction of a transcontinental railroad had circulated through Congress for many years, winning endorsement in the Republican party's 1860 platform as well as in both Democratic party platforms. In 1855 and 1859, the Senate passed bills providing for government aid in constructing three separate transcontinental lines simultaneously, but the House had refused to act. Late in 1860, the House approved a measure for two routes, but the Senate adopted a number of amendments unacceptable to the House. With the withdrawal of southern members in the Thirty-seventh Congress, the element of sectional jealousy that impeded earlier versions was removed.

Railroad legislation became tied to military necessity, and the Senate established the Select Committee on the Pacific Railroad to expedite its consideration. This measure quickly ran into sectional opposition within the Senate. Finance Committee Chairman Fessenden, whose Maine constituents had little interest in such a rail line, blocked the attempt of California Senator James McDougall to have the bill made a special order. Fessenden was interested in completing work on a pending tax measure, and the Senate, by a sectional vote of 17 to 19, refused to go along with McDougall. After extended delays and numerous amendments, however, the measure finally cleared the Senate late in June 1862. The House moved quickly, and the president completed action on July 1.[79]

The Pacific Railway Act authorized the Union Pacific Railroad to build westward from the one-hundredth meridian across the Rockies while the Central Pacific proceeded eastward across the Sierra Nevadas. Connection would be made at the California-Nevada border. Each railroad received a four-hundred-foot right-of-way and five alternate sections of land adjacent to the line for every mile of track laid. To finance construction, the act provided loans in United States bonds ranging from $10,000 to $48,000 per mile, depending on terrain. Additional acts were required to put this system into full operation, and considerable financial abuses occurred in later years. Nonetheless, with this act, the Thirty-seventh Congress took a major step toward binding the nation together. The railroad would make possible the development of the Great Plains and would forever end the threat that the Pacific Coast states might leave the Union. It was a bold and farsighted act, demonstrating Congress' vitality and resilience in times of grave national crisis.[80]

Mr. President, I shall conclude my discussion of major nonmilitary legislation devised exclusively within Congress with a brief reference to the Land Grant College Act. This act is considered the most important instance of federal aid to education in American history.

For five years, Representative Justin Morrill of Vermont had been urging passage of a bill to grant public lands to states for establishment of colleges to "benefit the agricultural and mechanical arts." As introduced in the Senate, the measure provided for grants to states of thirty thousand acres in proportion to the number of members of Congress in each state. States were then to sell this public land, using the proceeds to invest in bonds yielding at least 5-percent interest. The income could be applied to all costs except for erection of buildings, and the colleges had to be established within five years. Western senators generally opposed the bill, fearing that it would tie up their public lands, placing their states in the hands of "absentee landlords." In response to these fears, the Senate adopted an amendment by Senator James Lane of Kansas prohibiting the location of more than a million acres of land grants in a single state. With that amendment, serious western opposition in both chambers disappeared, and the measure received the president's signature on July 2, 1862.[81]

At the start of the third session of the Thirty-seventh Congress in December 1862, the Senate's attention once again turned to the president's conduct of military operations. On September 17, 1862, Union and Confederate forces had engaged in the bloodiest single-day battle of the war at the Battle of Antietam near Sharpsburg, Maryland. Each side had lost over two thousand men, with nine thousand wounded. Although the battle itself proved inconclusive, it convinced the British and French governments to abandon their plans to recognize the Confederacy. Union troops forced General Robert E. Lee to pull back into Virginia. This victory allowed the president to issue his preliminary Emancipation Proclamation freeing, as of January 1, 1863, all slaves in areas still in rebellion against the United States.

Two weeks after the third and final session of the Thirty-seventh Congress convened, Union forces suffered a shattering defeat at the Battle of Fredericksburg. Lincoln had finally replaced General McClellan with General Ambrose Burnside as commander of the Army of the Potomac. At Fredericksburg, Burnside failed to use his overwhelming troop strength to good effect. Poor coordination among the various federal units gave Confederate forces time to concentrate behind Fredericksburg on the heights overlooking the Rappahannock River. Belatedly, Burnside threw his forces across the river. Confederate artillery concentrated on the half-mile stretch of open ground over which Union forces had to pass. The result was incredible slaughter, claiming more than twelve thousand Union casualties as against less than five thousand for Lee's forces. The wounded suffered indescribable agonies during the freezing December night following the battle. After a truce to allow both sides to bury their dead, Union troops pulled back across the river. Nothing had been accomplished.[82]

Several days passed before word reached the capital of the disaster's magnitude. Lincoln commented, "If there is a worse place than Hell, I am in it." [83] Generals and members of Congress alike confessed their doubt that the war could be won, and many expected an armistice during 1863.

When the Senate adjourned on December 16, its Republican members caucused in the Senate Reception Room and focused their anger on Secretary of State Seward. They believed him to be the "evil genius" and the "unseen hand" undermining Lincoln's leadership. In two long meetings, every member of the Republican caucus but one voted to request a reorganization of the cabinet to deal more effectively with problems of planning for emancipation and the appointment of army commanders. Exclaimed Senate Republican leader Fessenden, "I am heartsick when I think of the mismanagement of our army. The simple truth is, there never was such a shambling, half and half set of incapables collected in one government before or since the world began." [84] Aimed at Secretary Seward, the resolution was inspired by his cabinet rival, Secretary of the Treasury Salmon P. Chase, a close associate of Radical

Republican senators, who coveted the presidency for himself.

Lincoln saw in the senators' request the beginnings of a basic constitutional confrontation. If he agreed to their plan, he believed he would lose control of his administration and would be dragged into a parliamentary form of government. In despair, Lincoln grieved to a friend:

> What do these men want? They wish to get rid of me, and I am sometimes half disposed to gratify them. Since I heard last night of the proceedings of the caucus I have been more distressed than by any event of my life. We are now on the brink of destruction. It appears to me that the Almighty is against us, and I can hardly see a ray of hope.[85]

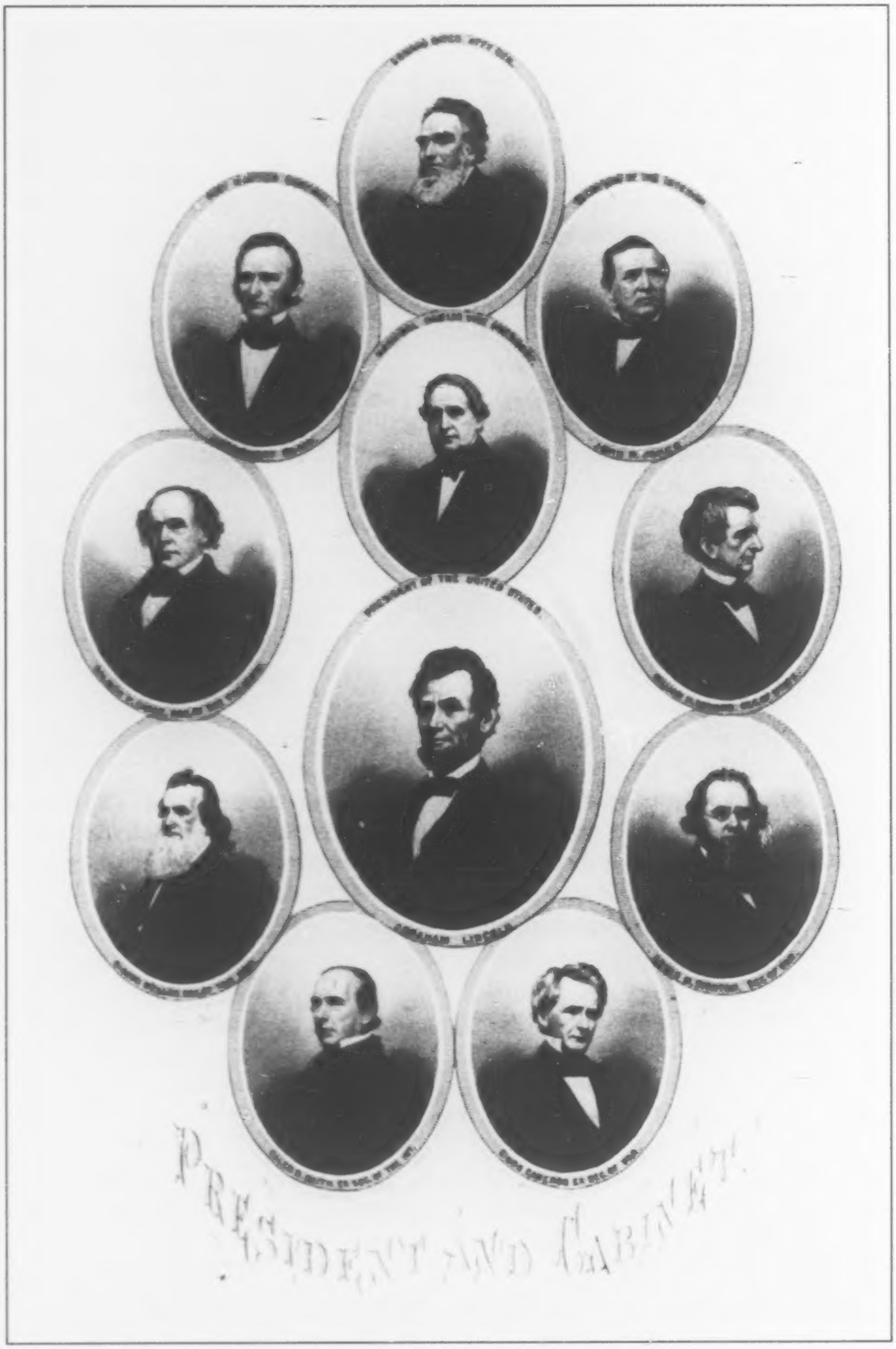
The Republican caucus voted to send a delegation of its members to negotiate with the president. Conservative Jacob Collamer served as chairman, accompanied by Ben Wade, Charles Sumner, Lyman Trumbull, William Fessenden, and four others. Lincoln received the delegation at seven o'clock on the evening of December 18.

Senator Collamer began by reading to the president a statement on the necessity of reconstituting his cabinet. Ben Wade then charged that Republicans had done poorly in the recent midterm elections because the president had "placed the direction of our military affairs in the hands of bitter and malignant Democrats." Sumner complained that Seward had made a fool of himself in diplomatic circles. Lincoln listened politely. As the meeting drew to a close, he promised the senators he would give careful attention to their arguments. In the hours that followed, the president became convinced that the principal troublemaker was Secretary Chase and not the senators, but he also recognized that he could ill afford to alienate senators such as Sumner, Trumbull, and Fessenden, and he certainly had no desire to start with a new cabinet in the depths of national crisis.[86]

On the following evening, Lincoln invited the Senate delegation back to the White House. When the senators arrived at half past seven, they were surprised to find the whole cabinet, except for Seward, in attendance. They were also unaware that the president carried Seward's resignation in his pocket. Mr. Lincoln had decided to set a trap for Secretary Chase. The meeting began with a tactful but firm presidential address. Lincoln asserted that he consulted his cabinet regularly but that he alone made the final decisions. He added that he valued Seward's counsel. Then he turned to the cabinet for confirmation of his assessment. All eyes focused on Chase. If Chase denied the president's claim, he would have destroyed his relationship with the chief executive. If he agreed, he would lose face with his senatorial allies. Chase mumbled an endorsement of the president's statement, while lamely expressing regret that the cabinet did not discuss major decisions more fully. The meeting ended at one o'clock the following morning.

Greatly embarrassed, Chase returned to the White House on the following day and handed his own resignation to the president. Lincoln smiled; the trap had sprung. Now, he had the resignations of both protagonists. Republican senators could not have the hated Seward's resignation without also losing their ally Chase. Rejecting both resignations, Lincoln exulted, "Now I can ride; I have a pumpkin in each end of my bag." The crisis had passed. Lincoln demonstrated his political skill in handling it without incurring the wrath of those whose support he dearly needed. As one observer put it, the murky political situation cleared, and Lincoln was fully in command of his administration.[87]

As the abbreviated third session of the landmark Thirty-seventh Congress drew to a close in March 1863, the Senate's Republican majority could look with satisfaction on sev-


PRESIDENT OF THE UNITED STATES
ABRAHAM LINCOLN
PRESIDENT AND CABINET

Secretary of the Treasury Salmon P. Chase and Secretary of State William H. Seward are depicted early in 1864 with other members of President Lincoln's Cabinet. *Library of Congress* eral pieces of urgent legislation, including the National Banking Act and the Enrollment Act, which they had passed. Designed to replace the corrupt, decentralized, and inefficient system of state banks and bank notes, the National Banking Act was largely the work of Secretary Chase and Senate Finance Committee member John Sherman. It had three objectives. They included creation of a market for war bonds, reestablishment of the central banking system destroyed during the Jackson administration, and development of a stable bank-note currency. As amended in 1864, the Banking Act permitted banks to obtain federal charters and issue national bank notes up to 90 percent of their holdings of United States bonds. With modifications, this system remained the backbone of the nation's monetary structure until creation of the Federal Reserve System in 1913.[88]

In the final hours of the Thirty-seventh Congress, the Senate and House established a national system for enlisting into military service able-bodied males between the ages of twenty and forty-five. In the Enrollment Act of 1863, Congress sought to encourage men to volunteer at a time when enlistments of large numbers of Union soldiers were about to expire. The measure assigned to each congressional district a quota from which would be subtracted the number of men already serving. Each district was given fifty days to fill its quota with volunteers; otherwise the deficit would be made up through the draft. Most districts actively worked to fill their quotas to avoid the stigma of the draft. The principal failing of this act was its provision allowing a man to avoid service by paying a three-hundred-dollar bounty or by finding a substitute for a three-year enlistment. Discriminating against the poor, that provision contributed to the bloody New York City draft riots of July 1863.[89]

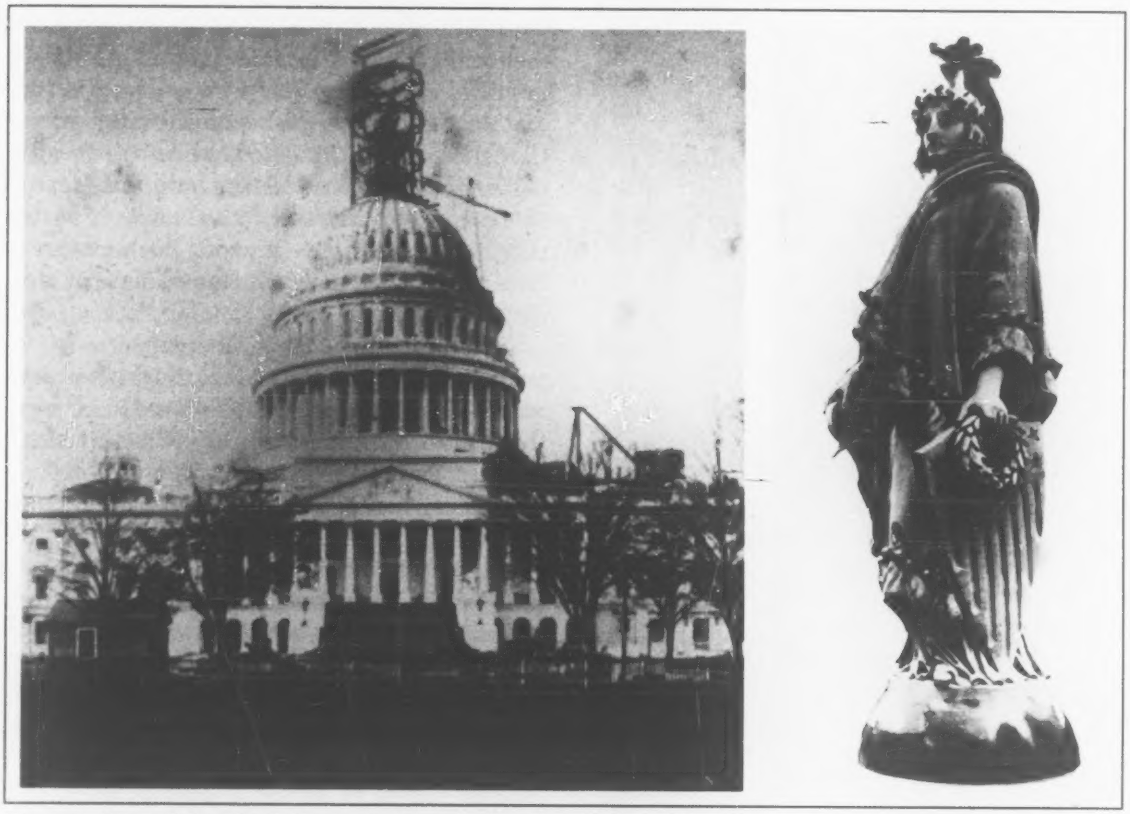
Nine months passed before the Senate of the Thirty-eighth Congress convened on December 7, 1863. By then, the war situation had taken a dramatic turn for the better from the Union's point of view. In May, the Battle of Chancellorsville, not far from Fredericksburg, Virginia, proved to be the darkness before the Union's dawn. In that engagement, both sides continued to suffer staggering losses, although the nominal victory went to Robert E. Lee.

Two months after that battle, the Fourth of July again proved to be a day of both symbolic and substantive importance for the Union. That day brought rejoicing for the North with major victories at Gettysburg in Pennsylvania and Vicksburg in Mississippi. These decisive engagements led both Great Britain and France to suspend construction of naval vessels for the Confederacy. By the time Congress met in December, Confederate hopes for foreign recognition and aid were irretrievably shattered.

Mr. President, the Senate of the Thirty-eighth Congress began with a particularly appropriate prayer by its chaplain, the Reverend Byron Sunderland. As the forty-two senators present stood in silence, the Reverend Mr. Sunderland prayed:

> . . . and we do beseech and pray Thee that the statue of Liberty that now crowns this temple of the nation, uplifted in the utmost majesty of human undertaking, as it shall greet all eyes, may betoken forever that grander and mightier spirit which shall walk in the air we breathe, and march upon the mountains and the plains, upon the streams and lakes of all the land, and dwell in all the households and hearts of the people—the spirit of a nobler justice and a freer franchise towards all the tribes of men.[90]

In his message, the Senate chaplain had referred to a recent event of towering symbolism. Five days earlier, on December 2, 1863, the fifth and topmost portion of the *Statue of*



The east front of the Capitol was photographed as installation of the "Statue of Freedom" neared completion late in 1863. The statue was designed in 1856 by Thomas Crawford and cast by Clark Mills. *Architect of the Capitol*

Freedom had been slowly lifted by a steam-hoisting apparatus to its crowning place atop the newly completed Capitol dome. When the last section of the bronze figure settled into place, an artillery battery to the east of the Capitol fired a thirty-five-gun salute, representing the number of states in the Union including those of the Confederacy. As the last volley echoed across the Potomac plain, twelve forts surrounding the city answered with their own thunderous roar of exploding artillery shells.[91]

Atop the grand new statue, an American flag unfurled in the cold December breeze. The Capitol extension project, begun in 1851 to accommodate the increased number of members from newly admitted states, had come to a glorious completion. Daniel Webster had delivered the address at the cornerstone laying on July 4, 1851, when the extension construction was begun. In the presence of men who had witnessed the original cornerstone laying of the oldest section of the Capitol fifty-eight years earlier, Webster deposited in the new cornerstone a handwritten note. His words on that occasion must have been a source of inspiration to those who witnessed the December 1863 completion ceremony. He had written:

> If, therefore, it shall be hereafter the will of God that this structure shall fall from its base, that its foundation be upturned, and his deposit brought to the eyes

> of men, be it then known, that on this day the Union of the United States of America stands firm, that their Constitution still exists unimpaired, and with all its original usefulness and glory; growing every day stronger and stronger in the affections of the great body of the American people, and attracting more and more the admiration of the world. And all here assembled, whether belonging to public life or to private life, with hearts devoutly thankful to Almighty God for the preservation of the liberty and happiness of the country, unite in sincere and fervent prayers that this deposit, and the walls and arches, the domes and towers, the columns and entablatures, now to be erected over it, may endure for ever! [92]

Mr. President, the historian David Donald has drawn a useful distinction between the activities of the Thirty-seventh and the Thirty-eighth congresses. He observed that, like the just completed Capitol Building, members of the new Thirty-eighth Congress in December 1863 had a sense that "their work too was finished. They had raised armies and equipped navies; they had mobilized the economy of the nation; they had set the country upon an anti-slavery course. Though there was much detailed legislative work to be done, there was no need for bold new policies." As Senator Charles Sumner commented at the time: "Never before since I have been in Congress has it come together in such tranquility. The battle of ideas has been fought in the last Congress. It only remains that we should carry forward the ideas that have been adopted." [93]

As the Senate of the Thirty-eighth Congress got down to work, members had increasing reason for confidence in Daniel Webster's vision of the Union's future. Despite staggering casualties on both sides, Union forces were clearly prevailing on the battlefield. In the Senate, attention turned to planning for restoration of the departed states. On the second day of the new Congress, President Lincoln unveiled his own reconstruction plan. It provided amnesty for southerners who took a prescribed loyalty oath and executive recognition for governments in states where 10 percent of those qualified to vote in 1860 took a loyalty oath and where the state had agreed to emancipation. Lincoln's plan failed, however, to address the question of seating individuals sent to Congress as representatives of the newly constituted state governments. Such recognition was within the exclusive domain of the Senate and House.

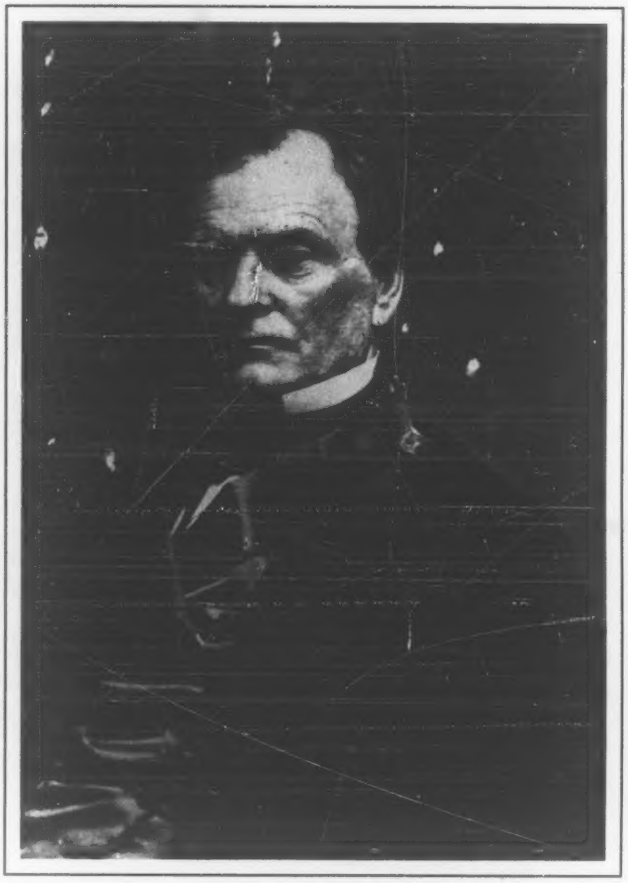
To Senator Ben Wade, the very idea of a presidential reconstruction plan was anathema. In his view, such matters were to be settled only by Congress. Wade's objection grew from both constitutional and political considerations. "Since when did 10 percent of the electorate constitute a majority?" Wade asked. Further, he feared that 10 percent of the electorate might simply restore prewar conditions, bringing an end to Republican ascendancy and little hope for liberated slaves.

Responding to the president's move, Wade joined with Baltimore Representative Henry Winter Davis to devise a plan of congressional reconstruction that became popularly known as the Wade-Davis bill. Their proposal required that 50 percent of the voters in seceded states take an oath of allegiance before a new state government could be formed. Each state would have to abolish slavery forever, and suffrage would be granted only to those who could meet stringent loyalty tests. Wade skillfully maneuvered his bill through the Senate, dodging potentially fatal amendments from all sides, including one that would have given the vote to blacks. Wade believed the president would sign the measure. [94]

On the final day of the first session, July 4, 1864, Mr. Lincoln came to the President's Room, off the Senate chamber, to handle the usual last minute rush of bills awaiting his approval. Throughout the morning, he signed bill after bill. After some delay, Senator Chandler entered the room to inquire whether the chief executive had signed the Wade-Davis reconstruction bill. Mr. Lincoln responded with a flat no. Senator Chandler suggested that he ought to reconsider. Mr. Lincoln countered, "Mr. Chandler, this bill is placed before me a few minutes before Congress adjourns. It is a matter of too much importance to be swallowed that way." The senator warned that a veto would hurt the Republican party in the forthcoming presidential and congressional elections, particularly in Chandler's Michigan and Wade's Ohio. Lincoln turned aside arguments of congressional prerogative in this matter, reminding Chandler of the longstanding reluctance of Congress to interfere with slavery in the states. When Chandler pointed out that the president enjoyed no greater authority in that regard than did Congress, Lincoln said, "I conceive that I may in an emergency do things on military grounds which cannot be done constitutionally by Congress." With that, he placed the unsigned measure in his pocket.[95]

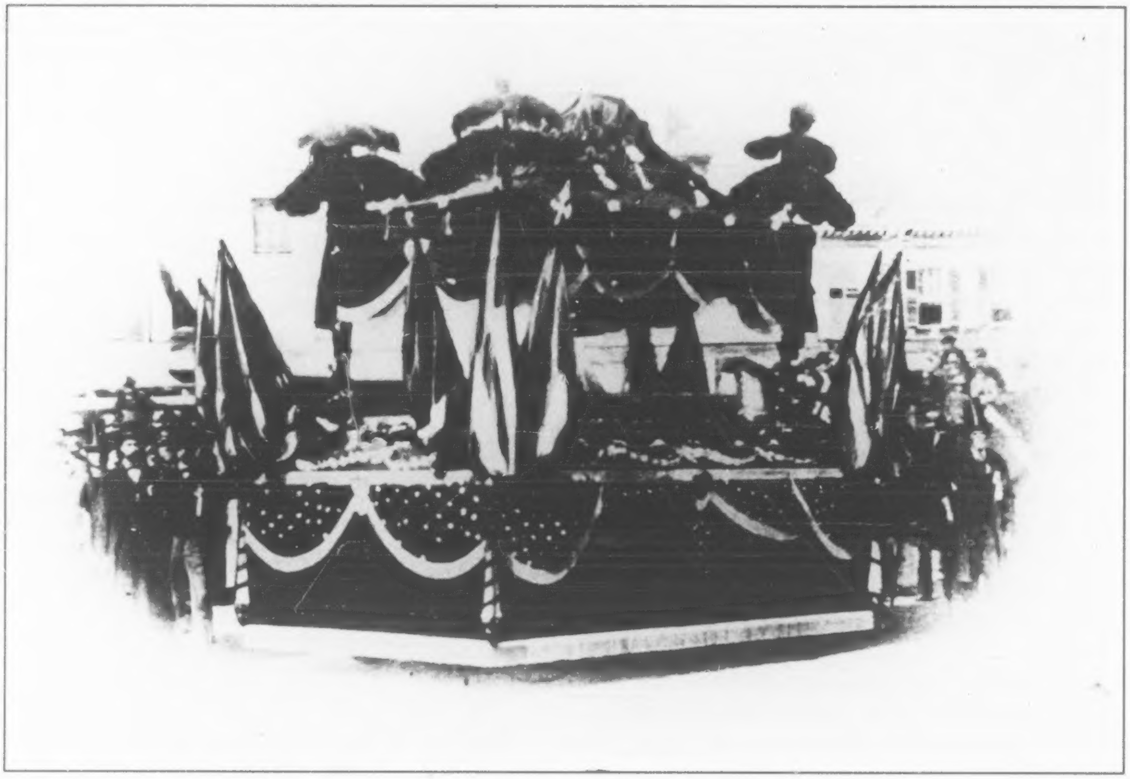
The president subsequently issued a proclamation explaining his pocket veto, noting that a uniform plan would only destroy the fragile governments of Louisiana and Arkansas that he was trying to guide back to the Union. In response, Wade and Davis published a blistering manifesto. In a classic defense of congressional prerogative, they charged:

> A more studied outrage on the legislative authority of the people has never been perpetrated.
>
> Congress passed a bill; the President refused to approve it, and then by proclamation puts as much of it in force as he sees fit, and proposes to execute those parts by officers unknown to the laws of the United States and not subject to the confirmation of the Senate! . . .
>
> The President, after defeating the law, proposes to appoint without law, and without the advice and consent of the Senate, *Military* Governors for the rebel States!
>
> He has already exercised this dictatorial usurpation in Louisiana, and he defeated the bill to prevent its limitation. . . .
>
> The President has greatly presumed on the forbearance which the supporters of his Administration have so long practiced, in view of the arduous conflict in which we are engaged, and the reckless ferocity of our political opponents.
>
> But he must understand that our support is of a cause and not of a man; that the authority of Congress is paramount and must be respected; that the whole body of the Union men in Congress will not submit to be impeached by him of rash and unconstitutional legislation; and if he wishes our support, he must confine himself to his executive duties—to obey and execute, not make the laws—to suppress by arms armed rebellion, and leave political reorganization to Congress.[96]



To Ohio's Senator Ben Wade, the very idea of a presidential reconstruction plan was anathema.

Library of Congress



The death of President Abraham Lincoln, on April 15, 1865, ended a major era in the Senate's history. His funeral was held in Springfield, Illinois. *Library of Congress*

Seldom has a president been attacked so sharply by congressional leaders of his own party in the midst of an election campaign.

Mr. President, I shall leave the story of the Senate's continuing battle with the executive over reconstruction policy to a later statement in this series. That struggle underscored and reinforced fundamental constitutional distinctions between the branches of our government.

The Civil War Senate met in one final regular session, beginning on December 5, 1864, and ending on March 3, 1865. During that short session, the Senate's most notable achievements included the Thirteenth Amendment, abolishing slavery; a measure creating the Freedmen's Bureau to "provide food, fuel, and land for refugees and freedmen from rebel states"; authorization for a $600 million loan to meet the staggering costs of war; and a 10-percent tax to drive state bank notes out of circulation.[97] As the Thirty-eighth Congress ended, Lincoln took his oath for a second term, therein suggesting, "With malice toward none; with charity for all," a lenient reconstruction policy. A month later, Lee surrendered; within a week after that surrender, the president was dead.

Mr. President, the Civil War began and ended with Congress in adjournment. To be sure, the story of that tragic conflict can be well told from the presidential and military perspective. But there is another and equally important perspective—that of the United

States Congress, and, particularly, of its Senate. In a world turned upside down, the Senate continued to function with a minimum of disruption. Exercising its constitutional and historic prerogatives, the Senate devised and passed legislation of fundamental importance to a rapidly industrializing nation.

The Senate's resilience and steadfastness can be explained in part through the genius of its rules and precedents. Speaking at war's end, Senator Charles Sumner provided a memorable assessment of that genius. With his quotation, I shall close—for now—my discussion of the Civil War Senate. Mr. Sumner said:

> Accustomed as we have become to the rules which govern legislative proceedings, we are hardly aware of their importance in the development of liberal institutions. They were unknown in antiquity, and they were unknown also on the European continent until latterly introduced from England, which was their original home. They are among the precious contributions which England has made to modern civilization. And yet they did not assume at once their present perfect form. . . . But now, at last, these rules have become a beautiful machine by which business is conducted, legislation is molded, and debate is secured in all possible freedom. From the presentation of a petition or the introduction of a bill, all proceeds by fixed processes until without disorder the final result is reached and a new law takes its place in the statute-book. Hoe's printing press, or Alden's type-setter is not more perfect in its operations. But the rules are more even than a beautiful machine; they are the very temple of constitutional liberty.[98]

The Senate may appear to be very disorderly from the outside at times but, in fact, the Senate generally knows where it is going because it is governed by the rules and precedents.

As they were then, Mr. President, so are the rules of this body today. May they always be so.

CHAPTER 14

West Virginia Is Born
1863

April 5, 1983

Mr. President, the United States Senate is an arena in which much of our history has been played out. Such was never more true than during the slavery controversy that led to the Civil War. That controversy built to a crescendo in 1861. Throughout that process, Senate debates and legislation reflected the tensions growing elsewhere in the country over the slavery question. The 1856 caning of Senator Charles Sumner of Massachusetts by Representative Preston Brooks of South Carolina on the Senate floor was an example of the sectional passions that were about to burst the bonds of considered debate and reasoned discourse.

Some critics have condemned the Senate for failing to solve the slavery conflict before Americans, North and South, started shooting each other. But the Civil War was not the Senate's failure alone. An objective look at the Senate's ante-bellum record—the Missouri Compromise; the Compromise of 1850; the careers of Daniel Webster, Henry Clay, and John C. Calhoun; even the ill-conceived Kansas-Nebraska Act—shows that senators from all sections of our country wrestled honestly and painfully, for nearly a half century, to resolve the slavery conflict peacefully.

Unfortunately, emotions overrode reason, and the slavery controversy was settled in a wider, more tragic arena than the well of the Senate. But, during the Civil War and its aftermath, the United States Senate—for a time diminished in size—hammered out legislation that helped to shape modern America; legislation that still echoes with implications even for our own time.

However, the weeks and months just prior to the firing on Fort Sumter were melancholy and rending for the Senate and the Union alike. As the crisis grew, thousands of native-born southerners living in the North cut their ties and headed home, and many northern natives living in the South did likewise. One such northerner, for example—a West Point graduate and former soldier—was serving as superintendent of an obscure military academy in Louisiana. Impending war caused him to return North and rejoin the federal army. His next extended visit in the South was a major Union strategic success. That former military academy superintendent was William Tecumseh Sherman.

No less significant, perhaps, were the sometimes heartbreaking departures of southerners from the Senate. On January 21, 1861, for instance, no less than five senators from severed states made dramatic withdrawals from their Senate seats—first David Yulee and Stephen Mallory of Florida, and then Clement Clay and Benjamin Fitzpatrick of Alabama. At last came Jefferson Davis of Mississippi—whose desk is just two rows behind me where the distinguished senior senator from Mississippi, Mr. Stennis, presently sits. Davis' sincere, earnest, and regretful remarks helped in later years partially to redeem his reputation, even after his often-criticized and condemned performance as president of the Confederacy.

However, as one after another of the southern senators resigned from Congress or vanished, Virginia's senators held back. Those two men, James M. Mason and Robert M. T. Hunter, had been closely associated with John C. Calhoun's fight for states' rights and the preservation of slavery. Mason had even delivered Calhoun's final major speech on the Senate floor a few days before Calhoun's death in 1850. Hunter was universally recognized as one of the South's ablest defenders—a member of the Senate's southern triumvirate, which also included Davis and Georgia's Robert Toombs. Mason and Hunter were expected to go with the aborning Confederacy; yet, both men were still Virginia's official representatives in the United States Senate.

Mason's and Hunter's delayed departures reflected Virginia's ambivalence in 1861. In the 1860 presidential election, Virginia gave a majority of votes to pro-Union candidates Bell and Douglas over the more militant proslavery John C. Breckinridge of Kentucky. Virginia Governor John Letcher was known to be opposed to secession and to be working for a compromise between the seceding states and the rest of the Union. Indeed, the Richmond secession convention that eventually voted to secede convened with a solid majority of pro-unionists and moderates who deplored secession. That majority defeated every secessionist move made in the Richmond assembly until, on April 12, 1861, General P.T.G. Beauregard fired on Fort Sumter, after which President Lincoln called for troops to put down insurrection in the cotton states. Governor Letcher curtly refused Lincoln's request for Virginia troops, and, on April 17, by a vote of 88 to 55, the Richmond convention removed Virginia from the federal Union.

That vote precipitated a debate in northwestern Virginia that the United States Congress decided in late 1862—a decision that paved the way for one of the permanent results of the Civil War, the creation of the state of West Virginia.

The western counties of Virginia were strongly pro-Union. Union sentiment was also strong throughout the Appalachian counties of several other southern states—North Carolina, Tennessee, and Kentucky, especially. Slavery was not a major economic factor in the Appalachian region, and the mountain folk of those states saw little advantage in fighting to maintain an institution that many mountaineer Virginians, North Carolinians, Tennesseans, and Kentuckians viewed as decadent and repulsive.

But, principles aside, northwestern Virginians had much to lose in a violent civil conflict. Northwestern Virginia was largely surrounded by Union territory. The Ohio River and its Virginia tributaries offered avenging Union raiders direct access deep into western Virginia's heartland. Many northwestern Virginians calculated no profit in following eastern Virginia into a secession that might finally level cities and towns like Wheeling, Clarksburg, and even Charleston.

Therefore, for a variety of reasons, Virginia's secession from the Union was almost immediately followed by a countermovement in the northwest to keep part of Virginia loyal to the Washington government. That pro-Union effort was applauded by the Lincoln administration. Had all of Virginia gone into the Confederacy, the Baltimore and Ohio Railroad would have been severed, and Washington would have been cut off from direct rail access to the Midwest and the western states.

Throughout the rest of 1861 and all of 1862, then, western Virginians took a series of steps unique in American history. Historians and constitutional lawyers still debate the legality of those steps; however, Union victory on the battlefield lent those actions *de facto* validity, and the Senate and House gave them a certain *de jure* integrity.

First, a restored government of Virginia was organized in Wheeling under the governorship of Francis Pierpont of Fairmont. The Pierpont government claimed jurisdiction over the whole state of Virginia—a position consistent with Lincoln's own philosophy that the seceding states never did or could really leave the Union, in spite of actions of various secession conventions.[1]

In quick succession, the Unionist rump of the Virginia general assembly, including delegates from northern Virginia, met in Wheeling and constituted itself the restored general assembly. The general assembly then chose two leading northwestern Virginia political figures to represent Virginia in the United States Senate—Waitman T. Willey of Morgantown to replace James M. Mason, and John S. Carlile of Clarksburg to supplant R. M. T. Hunter.

On the surface, then, by the summer of 1861, loyal unionist Virginians had reversed the actions of the Richmond Convention. Likewise, then, on the surface, Virginia never left the Union. Practically, however, eastern Virginia became the legal, economic, and political center of the new Confederacy. Likewise, practically, the stage was set for splitting the Old Dominion in two—a tear guaranteed by the influx of Union forces into the northwest, and a slash that was never mended.

Francis A. Pierpont played a vital role in the formation of the state of West Virginia.

West Virginia Department of Culture and History

With the restored government of Virginia in place, ardent northwestern Virginians launched the decisive effort to form a new state in trans-Allegheny Virginia—an effort that could not have succeeded in isolation from the extraordinary events between 1861 and 1865. In the spring of 1862, Governor Pierpont endorsed the West Virginia statehood movement. The United States Constitution provides that no state shall be formed or created within the jurisdiction of any other state without the specific consent of that state's legislature. Under that rubric, on May 14, 1862, Governor Pierpont obtained permission from the restored general assembly for West Virginia to be formed.

The initiative now shifted to Washington. On May 29, Senator Willey, acting for the Virginia general assembly, presented West Virginia's application for statehood to the United States Senate. In a characteristically thorough speech, Senator Willey outlined the case for West Virginia's statehood. The West Virginia statehood bill, however, faced an uneasy future.

The first problems became apparent on June 23, 1862, when Senator Benjamin Wade of Ohio—"Bluff Ben" Wade to his friends—chairman of the Senate Committee on Territories, presented the West Virginia bill on the Senate floor. Senator John Carlile was a member of Senator Wade's committee. Carlile had long been an active Virginia politician. He had served in the Virginia general assembly and in the United States House of Representatives. In the 1861 Richmond Secession Convention, Carlile had been a leading opponent of Virginia's secession. As a strong unionist, Carlile had also taken an early lead in the West Virginia statehood movement. As a senator from Virginia, however, Carlile apparently became aware of new political realities. In the Committee on Territories, Carlile added amendments to the West Virginia bill to place the border of the new state on the crest of the Blue Ridge Mountains, to require that a new constitutional convention be called in West Virginia, and to provide that slaves be gradually emancipated in western Virginia. All or any of those measures would have spelled a slow death for the statehood movement in western Virginia in the summer of 1862. And to enlarge the West Virginia bill's problems, Senator Charles Sumner of Massachusetts, the Senate's archabolitionist, offered an amendment to admit West Virginia only as a free state.

Fortunately for West Virginia statehood, the Senate rejected both the Carlile and Sumner amendments and supported West Virginia statehood by a vote of 23 to 17. Though the House of Representatives wrestled long with the peculiar constitutional questions raised by West Virginia's statehood, it, too, agreed to the new state's admission to the Union by the end of 1862.

But that did not satisfy all the problems. The admission of West Virginia to the Union posed a prickly dilemma for President Lincoln. Lincoln fully sympathized with the northwestern Virginians; however, he wanted to use the Virginia restored government of Francis Pierpont as a model for the future merger of the rebellious states into normal relations with the federal Union. The amputation of better than a third of Virginia's territory would jeopardize Lincoln's reconstruction plans. However, after listening to the pro-statehood arguments of cabinet members William H. Seward, Salmon P. Chase, and Gideon Welles, President Lincoln signed the West Virginia statehood bill on December 31, 1862. In his final defense of that signing, Lincoln said:

> It is said the admission of West Virginia is secession, and tolerated only because it is our secession. Well, if we can call it by that name, there is still difference between secession against the Constitution, and secession in favor of the Constitution.

Against that background, West Virginia officially became the thirty-fifth state in the Union on June 20, 1863.[2]

Now a full-fledged state, West Virginia almost immediately turned to selecting its own first two senators. Waitman T. Willey of Morgantown had acquitted himself well and honorably in the United States Senate as a restored senator from Virginia. He had shepherded the West Virginia bill to its

Senate victory and had offered the Willey amendment to satisfy Radical Republican concerns—a measure that initiated slave emancipation in the new state. Willey's performance in behalf of unionist Virginia would have been sufficient to warrant the new West Virginia legislature's choice of Willey on August 4, 1863, as one of West Virginia's first two senators.[3]

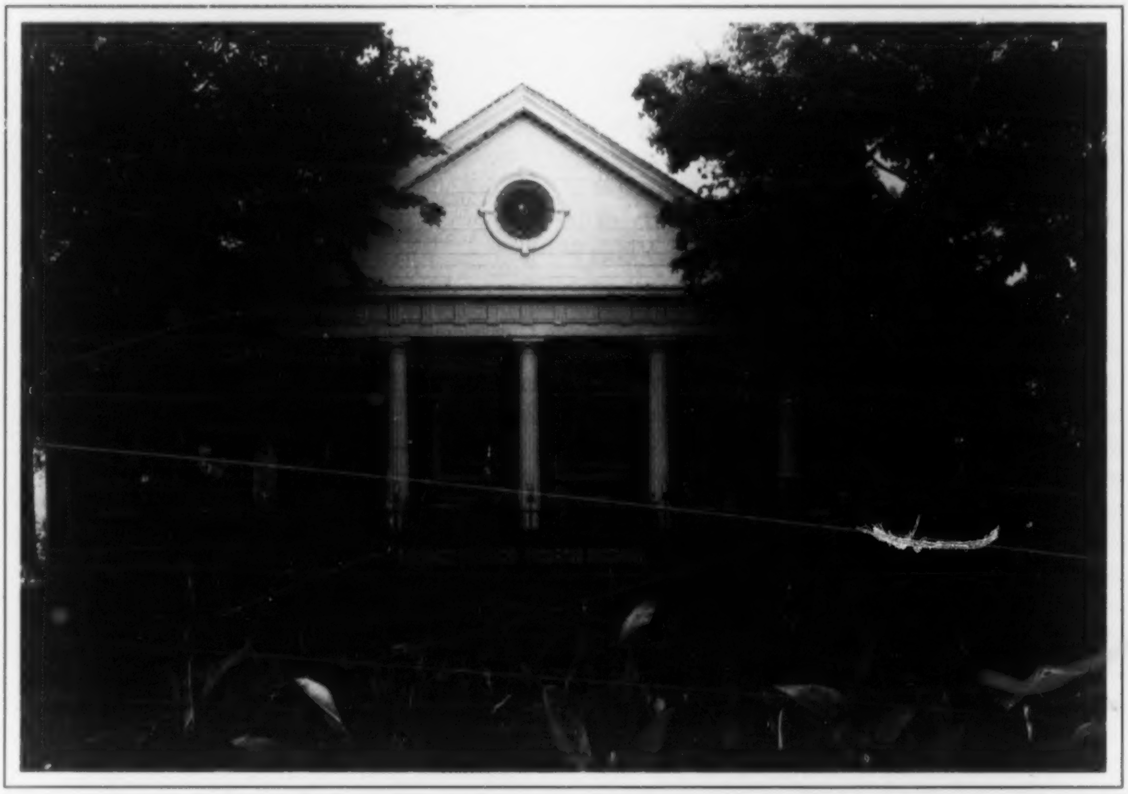
But Senator Willey's renown was based on more than just his temporary service as a Virginia senator. Willey was a native of northwestern Virginia—a successful, self-made public citizen known throughout the state. He had been born in a twenty-foot-square log cabin near Fairmont, Virginia, in 1811. In that era, life in the western Virginia hills was severe—as it still is, to a considerable degree—and most people survived only through hard struggle and exertion, determination and tenacity, faith and physical strength. Like most of his contemporaries, Willey's childhood and youth were spent largely in dawn-to-dusk farm labor. In fact, in his first seventeen years, young Waitman received barely eleven months of cumulative formal schooling.

But two months of that schooling, under a strolling teacher from Philadelphia, opened Willey's eyes to the intoxication of knowledge. He read and reread the *Iliad* and *Pilgrim's Progress* and mastered *Pike's Arithmetic*—the only volumes in the Willey family home besides the Bible, another book of which young Waitman was at least a scholar, if not a master. But his two months with the Philadelphia teacher lit an intellectual fire in Willey's mind that burned for the rest of his life.

Not surprisingly, then, on Christmas Day 1827, Willey left his father's farm to go to a small college in western Pennsylvania. There, in just two years, Willey became proficient in Latin and Greek, developed an excellent skill in written and spoken English, laid a good mathematics foundation, taught some classes part-time, and graduated at the head of his class at the age of nineteen. After spending three more years working on his father's acres, Willey read law with prominent lawyers in Brooke County, Virginia. Brooke County is in the northern panhandle of West Virginia. Viewing the state from the tip of the northern panhandle, it is the second county going south.

West Virginia Senator Waitman T. Willey helped achieve emancipation in the new state.
Library of Congress

In 1833, he was admitted to the bar and began practicing law in Morgantown, Virginia, his place of residence for nearly the next seventy years. Even today, Senator Willey's former home is one of Morgantown's most famous and treasured showplaces—an ante-bellum house that has been carefully maintained by Mr. and Mrs. Richard Raese. It is a beautiful home, and I would suggest that anyone going to Morgantown certainly



Waitman Willey resided in his ante-bellum mansion in Morgantown, West Virginia, for nearly seventy years.
Walter Smalling and Daniel Gooding

should stop and see former U.S. Senator Willey's home. I am sure that any traveler will be warmly welcomed by the present owners, Richard and Harriet Raese.

From Morgantown, Willey made his influence felt in many directions. Among other interests, Willey was an ardent and dedicated Methodist layman. In his mature years, he addressed national meetings of the Methodist Episcopal Church on numerous occasions. His first love, however, was the children's Sunday school class that he taught for many years in his Morgantown home church. During the war years in Washington, when once asked if he made any contributions to the war effort in Morgantown, Senator Willey answered that, in fact, he did—that he was in charge of the light infantry—a veiled and mischievous reference to his young Sunday school charges.

But Willey's greatest marks were first made in Virginia Whig circles. Willey was a Virginia elector in the 1840 Harrison-Tyler Whig presidential victory. As a Whig, he was elected clerk of both the county and circuit courts of law and chancery for Monongalia County, Virginia—positions that he held continually between 1841 and 1852. It is the county in which West Virginia University is now located. But it is now West Virginia, not Virginia.

Unsuccessfully, Willey ran as a Whig nominee for Congress in 1852 and for lieutenant governor of Virginia in 1859. As a prominent Whig, he was a delegate to the 1860 Baltimore Constitutional Union Convention that nominated John Bell for the presidency. In addition, in 1850, Willey had been a delegate to the Virginia Constitutional Convention and was a natural representative to the 1861 Richmond secession convention.

Willey went to the Richmond convention a committed unionist and remained so; but he had no illusions about the precariousness of Virginia's ties to the Union or about the probable outcome of a Virginia secession effort. In the general southern uproar that followed Abraham Lincoln's election to the presidency, Willey wrote:

> I am for Virginia as she is and was, as our fathers created her—one and indivisible. I have deprecated recent manifestations of a desire for her dismemberment. Let her be integral forever. But if we are to be dragged into secession or disunion; to be made a mere outside appendage to a Southern Confederacy, defenceless and exposed as we must be, by our geographical position, to all the wrong and contumely that may be heaped upon us, our oppression may become intolerable; and I for one will be ready to accept the only alternative.

During the Richmond Secession Convention, Willey was a vocal and visible advocate of unionism. As such, Willey's life was again and again threatened by fanatical secessionists on the streets of Richmond and even at the doors of the state capitol. But Willey stood by his convictions. After the convention voted to secede, Willey returned home to ponder the ramifications of secession for Virginia's future.

In subsequent months of unionist counterrevolution and the growing West Virginia statehood movement, Waitman T. Willey showed exemplary statesmanship. He was never demagogic or rash—never waving the "bloody shirt," so to speak—either in his words or his actions. Willey's calm and reserve sometimes enraged fanatical unionists, but those qualities were characteristic of Senator Willey. He was foremost a brilliant and able lawyer. He thought judiciously and judicially. Though he soon became a Republican—even a Radical Republican—he remained essentially a Whig. Like his traditional Whig compatriot across the Blue Ridge Mountains to the east, John Minor Botts—a Virginia unionist who spent the war under Confederate house arrest to later help forge Virginia's Republican party—Willey was devoted to the Union, but he was at heart a conservative committed to elemental and lasting principles—a characteristic that made him suspicious of mobocracy and untidy political thinking, either in Richmond, Wheeling, or Washington. That the West Virginia statehood movement succeeded was a tribute, in no small measure, to Waitman T. Willey's legal values, high personal ethics, and meticulous efforts.

After the 1863 senatorial election in the West Virginia legislature, the United States Senate designated Senator Willey, by lot, to serve the shorter of the two Senate terms. Because he served so well, he was reelected for a full six-year term in 1865. Since the war was resolving into a crushing Union victory, Willey and his Senate colleagues may have expected Senate business to become less dramatic and volatile.

President Lincoln's assassination and Andrew Johnson's temperament, on the one hand, and the determination of Representative Thaddeus Stevens of Pennsylvania, Senator Charles Sumner of Massachusetts, and the Radical Republicans, on the other, made unrealistic any hopes for a quick return to normal congressional routine, however. In the turmoil following the Lincoln murder, Senator Willey met with Andrew Johnson to fathom the new president's sentiments on West Virginia's continuing status. Initially, Willey was satisfied with President Johnson's reassurances. Johnson and Willey had shared similar positions as Senate colleagues during the war, and Senator Willey had strongly supported Johnson—a Democrat—for the vice-presidency. Senator Willey had confidence in Johnson's ability to finish the work that President Lincoln had begun.

However, as Johnson came into greater conflict with the Radical Republicans, he became increasingly intemperate in his remarks and his actions. He even branded Representative Thaddeus Stevens, Senator Charles Sumner, and abolitionist Wendell Phillips as traitors. More and more, President Johnson alarmed ardent unionists, many of whom began doubting Johnson's own loyalty to the federal government.

In that light, Senator Willey, too, became anxious about President Johnson's resolve in consolidating the Union victory and in maintaining West Virginia's statehood. In addition, Willey's own Methodist Episcopal Church was fervently Radical Republican. As a result, Senator Willey usually voted for the Radical Republican program in the Senate, convinced of the Radicals' commitment to smothering the last sparks of rebellion in the Confederacy and to ensuring West Virginia's independence in the Union.

Nevertheless, Senator Willey's position in the Johnson impeachment trial remains mysterious and ambiguous. Willey early infuriated many of his Radical colleagues, his Methodist brethren, and concerned unionist West Virginians alike by insisting that the Johnson trial should be a legal proceeding, not a political inquisition. Senator John B. Henderson of Missouri maintained in later years that Willey was, at heart, against voting Johnson guilty. The general conference of the Methodist Episcopal Church must have been of that same impression. During their 1868 Chicago meeting, the Methodists pointedly called an hour-long special prayer meeting to invoke divine guidance on the Senate's decision, an action that the press and most senators took as a direct effort to force Waitman T. Willey to vote Andrew Johnson guilty.

But, up to the moment of the vote, no one knew exactly where Senator Willey really stood on the Johnson verdict. He said little or nothing publicly to betray his position and left nothing in his papers or journals to suggest his thought processes on the subject of the Johnson impeachment. In the end, Willey voted Johnson guilty, but that was after his West Virginia colleague, Peter Van Winkle, had already helped clinch the final decision by voting for Johnson's acquittal. In spite of his recorded vote, however, Senator Willey went to his grave never clarifying where he really stood on the Andrew Johnson issue.

As the 1870 Senate election neared, Senator Willey realized that the reenfranchised former Confederates in West Virginia were making a strong political comeback. Though Willey campaigned vigorously for the West Virginia Republican ticket, 1870 was a political watershed year in West Virginia. Democrats won the governorship and the legislature and held onto their dominance for nearly a quarter century. Senator Willey was not reelected to the Senate. In March 1871, he resumed his Morgantown law practice. "Full of years," he knew that his elected career had ended. He continued active in West Virginia and national Republican affairs, and was treated at home as an honored elder statesman. In 1900, Senator Willey died at the age of eighty-nine. Thus ended a life and career characterized by wisdom, maturity, duty, foresight, patriotism, faith, and old-school honor—a life and career that won for Waitman T. Willey the respect of his Senate colleagues and his West Virginia neighbors alike.

But Waitman T. Willey was only one senator elected by the West Virginia legislature in August 1863. Willey was a logical and

Peter G. Van Winkle, mayor of Parkersburg, became West Virginia's first full-term senator.

Library of Congress

natural choice for the legislators to make. But Senator John Carlile's performance as a "restored senator" had alienated many northwestern Virginians and had puzzled even his strongest admirers. Carlile was clearly unpopular with the new West Virginians, and, though he continued to represent the Pierpont restored government of Virginia for nearly two more years, the West Virginia legislature had no intention of asking the Clarksburg resident to become the other senator from West Virginia.

Instead, Peter G. Van Winkle of Parkersburg was elected to serve the first full term as senator from West Virginia. Van Winkle was a native of New York City. As a young man, he had moved to Parkersburg, Virginia, where he studied law and was admitted to the bar. Van Winkle took an active part in town politics, and eventually served as Parkersburg's mayor. His primary vocation, however, was as a railroad executive, and he was, for a number of years, an attorney and lobbyist for the Baltimore and Ohio line.[4]

Van Winkle had been a delegate to the Virginia Constitutional Convention of 1850–1851, but he played only a minor role in its debates. In the 1861 western Virginia unionist and West Virginia statehood movements, however, Van Winkle jumped into prominence. He was elected to the new West Virginia house of delegates in 1863, and his colleagues decided that he would make a good United States senator, as well.

Van Winkle's Senate career is, in many ways, more interesting than Willey's. Though constitutionally and philosophically a moderate or conservative, Willey moved easily and cooperatively with Washington's Radical Republican establishment. Van Winkle, however, was later suspected by some of having latent Democratic leanings, for he steered an independent, unpredictable, and, by a few interpretations, a sometimes pro-Confederate course. Though Van Winkle voted for the Thirteenth and Fifteenth amendments, for instance, he opposed the Fourteenth Amendment—to the anger of the Stevens-Sumner axis. Van Winkle did not favor slavery, but neither did he believe that the newly freed slaves were capable of exercising responsible citizenship. Ingenuous and candid, Van Winkle seldom violated his own ideals or hesitated to explain why he voted as he did.

But Senator Van Winkle is best remembered for his stands on two other controversial issues: the inclusion of Berkeley and Jefferson counties in West Virginia, and his own vote in the Johnson impeachment trial. Several Virginia counties had been netted into the new state against the wishes of their inhabitants. Most of those counties lay in far southeastern and southern West Virginia.

Those counties had among the largest slave populations in the new state; had long associations with Richmond and eastern Virginia; had, in most instances, strong secessionist tendencies; and had supplied the Confederate army with a sizeable number of troops. The primary reason for including those counties in West Virginia, against their will, was to give the Union a defensible boundary along the tops of the Allegheny Mountains.

But Berkeley and Jefferson counties lay at the foot of the Great Valley of Virginia, between the Alleghenies and the Blue Ridge. Both counties were integral participants in ante-bellum Virginia social and economic life. Martinsburg was the native home of the notorious Confederate spy Belle Boyd, and Charles Town had been the scene of the execution of John Brown, to the general satisfaction and approval of the local population. Berkeley and Jefferson counties were strongly pro-secessionist and pro-Confederate.

However, the main trunk of the Baltimore and Ohio Railroad ran through those two counties as well. Van Winkle was a patriotic unionist and strong new-state advocate. But Van Winkle was also a Baltimore and Ohio Railroad employee. He was determined to keep the B&O line entirely within West Virginia and Maryland on its way to the District of Columbia. Largely through Van Winkle's steady insistence in the Senate and in West Virginia, Berkeley and Jefferson counties were incorporated into the new state and remained so even after war's end.

In the Johnson impeachment proceedings, Van Winkle was one of the more dramatic players. Edmund G. Ross of Kansas has been singled out by some as a paradigm of political courage for his articulate stand and his acquittal vote. Certainly, Ross and the other six of his nominal Republican colleagues who voted against finding Johnson guilty were flirting with political ruin. But several of those Republican senators switched to Democratic ranks in future political contests and some enjoyed success in their new roles. Ross himself was a Kansas delegate to the 1876 Democratic National Convention, was the 1880 Democratic candidate for governor of Kansas, and was appointed by Democratic President Grover Cleveland as territorial governor of New Mexico in 1885—hardly a career in oblivion. Republican Senators Lyman Trumbull of Illinois and Joseph Fowler of Tennessee metamorphosed as Democrats.[5]

But Van Winkle neither sought nor enjoyed any future political career after his vote in the Johnson controversy. In voting to acquit Johnson, Van Winkle knew that he was standing directly against the tide of West Virginia unionist sentiment. In February 1868, the West Virginia legislature had overwhelmingly called for Johnson's impeachment. In 1868, the West Virginia Democratic party was in near-mortal collapse. Van Winkle's vote left him no political backdoor through which to escape, courted no favor in his home state, and won for him a subsequent 18 to 3 condemnation vote from the West Virginia state senate. So, Mr. Ross was not the only profile in courage of that momentous occasion. Van Winkle unquestionably guaranteed his own political extinction by his vote.

However, Van Winkle claimed no plaudits for himself in his vote on the Johnson verdict. His independent action was characteristic of the rest of his one-term Senate career. As he explained, as a lawyer, he could find no illegalities in Johnson's actions, injudicious as those actions might have been. Further, Van Winkle may have believed that the continued wrangling between Congress and the White House was injuring America's vital recovery from one of the most devastating and wasteful wars in human history up to that time. He probably realized that he would never hold political office again in West Virginia if he flew so directly in the face of his constituency. Nevertheless, Van Winkle voted his reason and his conscience and helped guarantee the final blow to the campaign to remove Andrew Johnson from the presidency. That subsequent popular opinion on the Johnson impeachment scandal has largely reversed the judgments of 1868 is no consolation to those who had to make the unpopular choice that year. Largely without further acclaim or applause, Van Winkle served out the rest of his Senate tenure and, in failing health, retired to Parkersburg in 1869, where he died three years later.

So, in this way, we shall close the opening chapter of West Virginia's history in the Union—a chapter to which Waitman T. Willey and Peter G. Van Winkle brought integrity and skill. Never before or since has a state entered the Union under such tumultuous and uncertain circumstances. At the very moments that Congress was debating West Virginia's statehood petition, federal and Confederate troops and guerrillas were shooting at one another to decide West Virginia's destiny in bloody contests far away in the mountains and far from Capitol Hill. But, once Congress made its decision, the efforts of Senators Willey and Van Winkle helped guarantee West Virginia's place among her sister states. And, to this day, West Virginians owe Senator Willey and Senator Van Winkle gratitude and respect for the ways and manner in which they introduced the Mountain State into the ranks of the Union.

I would say but one other thing in closing, and that is, I am sorry that, even today, 230 million Americans do not all know that West Virginia is a separate state. They often speak of West Virginia as the western part of Virginia. I think more and more, however, they are realizing that Richmond is not the capital of West Virginia, but that Charleston is. West Virginia is a state in its own right. We who are West Virginians cannot help but feel some surge of frustration and anger when people continue, even yet, to refer to Richmond as the capital of West Virginia and to West Virginia as the western part of Virginia. In saying this, I cast no aspersions on the great state of Virginia. Virginia has been called the mother of presidents. My wife is a former Virginian. But, West Virginia is no longer a part of Virginia.

STATE OF WEST VIRGINIA
JUNE 20 1863
MONTANI SEMPER LIBERI

West Virginia's motto, "Mountaineers are always free," reflects the state's contributions to the Union.
John Hamilton/U.S. Senate Historical Office

Quite often people say to me, "I have been down in your country. I was over at Richmond and I have visited your apple orchards." Well, I have to tell them that I am not the owner of the apple orchards; they are owned by the Byrds of Virginia. While I would be proud to claim kinship with the great Byrd family of Virginia, I am unable to do so.

West Virginians are proud of their heritage. Appropriately, the state's motto is "Mountaineers are always free."

I suppose that if those more than a million mountains were leveled flat, the state would reach all the way to Texas. In any event, its boundaries extend farther north than Pittsburgh, farther south than Richmond—the capital of the Confederacy—as far east as Buffalo, New York, and as far west as Columbus, Ohio. It is the most southern of the northern and the most northern of the southern; the most eastern of the western and the most western of the eastern. It is where the East says good morning to the West, and where Yankee Doodle and Dixie kiss each other good night! It is the state that is "wild and wonderful" and "almost heaven," with its beautiful hills and its law-abiding, God-fearing, and patriotic people.

CHAPTER 15

The Era of Reconstruction 1865–1868

April 15, 1983

Mr. President, earlier I discussed the tragic events of the Civil War and their impact upon our national legislature. The force of that terrible war struck at the very core of the American Republic. Economically, politically, and socially, the nation had been irreversibly altered.

The direct cost exceeded $7 billion in loans and interest. Additional losses in destroyed land, companies, buildings, transportation lines, and personal property could never be calculated.

The price paid in human life extracted something from almost every family in the North and the South. When the fighting ceased, a saddened nation counted some 620,000 dead and thousands more wounded and maimed. No tally could be given of the numbers who died from malnutrition and sicknesses, or whose mental health never recovered from the war trauma. Beyond calculation were the animosities—some to linger well into the twentieth century—that the war unleashed.[1]

The significant accomplishment of the war was that it freed the slaves, ending a life of bondage for four million black people. This freedom marked the initial step in the extension of equal representation under the Constitution to all Americans. The struggle ahead proved to be filled with frustration and grief for blacks and whites alike. But, for the moment, it was worthy to celebrate the establishment of a free life for former slaves. With this freedom came a host of new problems for the nation. Questions about the future for slaves, and the best ways to develop and fulfill the promises of equality, freedom, and suffrage would not be easily resolved.

The political arena was the appropriate place to thrash out these difficulties. However, the war left the political structure of the South devastated, with state and local governments no longer in a functional condition. At the national level, confusion pervaded the political environment.

Eleven states had withdrawn their representatives from the Congress during the war, and the maintenance of the national governmental process had fallen upon the remaining twenty-five. As the southern states sought to regain their privileges within the Union, both legal confusion and jangled emotions served to frustrate and retard the reunion. Loyalist states displayed a reluctance to accept the returning South. The readmittance of southern members, likely to be Democrats, who would be hostile to the plans of those who sought to reorganize the southern structure, could only upset the control exercised by the Senate's Republicans.

This epoch—known among historians as the Era of Reconstruction—spanned a troubled twelve-year period. The difficulties and challenges of those years often have been misunderstood, as evidenced by the sensational and bombastic vocabulary used to describe the events between 1865 and 1877. We tend to accept the popular image that this time of reconstruction was a vicious, cruel, and excessive era.

Today, I shall examine the work of the Senate during the earliest of those particularly demanding years. Faced with the staggering task of returning the eleven states of the Confederacy to their former national status, as well as responding to the needs and expectations of newly freed slaves, the Senate answered these challenges with purpose and resolve. With no prior experience in any similar circumstance, the Senate—indeed, the whole Congress—could only have felt uncertain and confused. As a result, their actions, in retrospect, often appear haphazard or poorly conceived. Given the grave nature of the situation, we should not allow some of their failures to overshadow their underlying, unfaltering efforts to deal with a profound constitutional crisis.

Members of the Senate found themselves facing issues crucial to the American democratic system. We are in the debt of our earlier colleagues for the important precedents that they established. I speak of concerns fundamental to many of our Senate deliberations. Often, here, we are challenged to define the proper relationship between the executive and legislative branches, or to determine what constitutes the legitimate areas of federal and state responsibility.[2] These were the thorny issues the Reconstruction Senate attacked with vigor.

It did not require the cease-fire to make clear to Congress that a host of perplexing problems faced the nation. Not the least of these would prove to be a debate between the president and Congress over which branch of government should supervise the process of Reconstruction. The basis for an executive-legislative split over this issue surfaced at least two years before the close of the war. President Lincoln and the Thirty-eighth Congress had scuffled over this very point. It appeared that they might reach some agreement in the passage of the Wade-Davis bill, which neatly packaged an entire plan for Reconstruction, but, in the eleventh hour, Lincoln astonished his fellow Republicans by vetoing that bill. The Thirty-eighth Congress adjourned in March 1865, with its members and the president deadlocked over this matter. Congressional leaders could not ignore a gnawing sense of uneasiness that the future would bring only more conflict with the president over this issue. How could any of them know that a month later, in April 1865, their troubles would intensify when the nation, already confused by murky Reconstruction plans, would be staggered by the assassination of President Lincoln.[3]

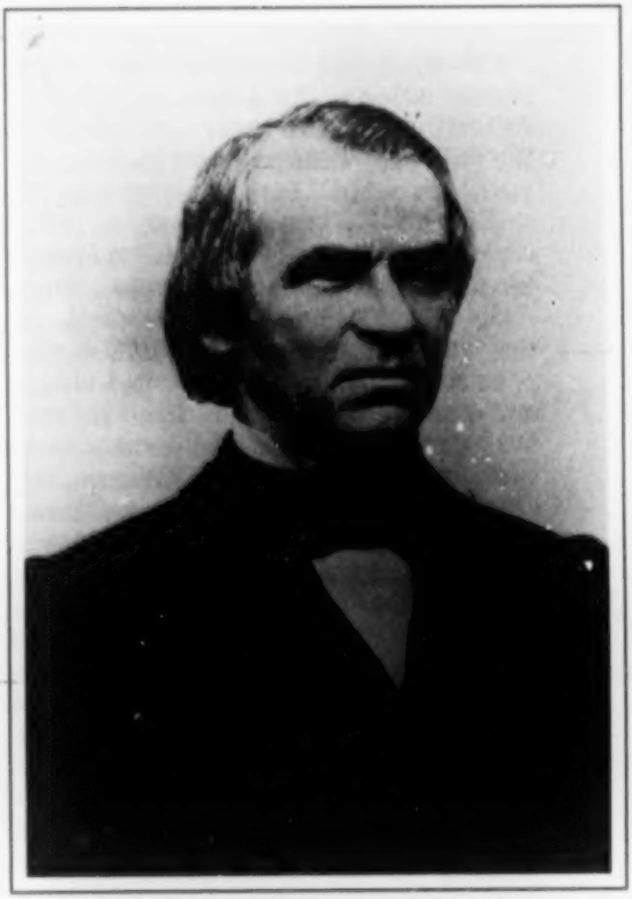
So, it fell to the new president, Andrew Johnson, to plunge into the morass of Reconstruction, for the Congress, standing in adjournment, was not scheduled to meet again until December 1865.

Andrew Johnson, himself, was one of the uncertain elements in the Reconstruction drama. Born to extreme poverty, Johnson struggled to climb the ladder of political success. His accomplishments included service to Tennessee as senator before the war and state military governor during the war. His unionist pronouncements catapulted him onto Abraham Lincoln's 1864 ticket, a move designed to provide sectional balance for the Republicans.

Yet, there were those who regarded Andrew Johnson as an undesirable character, devoid of personal refinement. He enhanced his rough-hewn image when he appeared on the Senate floor in an apparently intoxicated condition for his own vice-presidential inaugural ceremony. Graced with only the coolest favor from the Washington social set, Johnson further lowered himself by his drunken performance.[4] When the mantle of presidential responsibility descended upon him, Johnson faced additional burdens from some members of Congress who felt predisposed to distrust and dislike him. Yet, Johnson's first public statements on Reconstruction appeared to be compatible with the views of his Republican colleagues who had been most active in the advocacy of civil liberties for blacks. Republican senators, for whom these issues represented passionate personal convictions, greeted the new president with cheered spirits. Grieved though they were over the death of Lincoln, they were visibly relieved that a dreaded confrontation with the chief executive had been avoided.

Senator Charles Sumner, wearied from his long struggle against the forces of slavery, voiced great confidence after his first visits with President Johnson. Sumner rejoiced in his belief that Johnson actively supported suffrage for former slaves. With relief and gratitude, Sumner reported to his friends that he felt comfortable with the new president.[5]

Sumner clearly hoped that strong executive leadership would deter the development of further political factions among senators. Only through a forceful president did Sumner see the means to harness the wide range of views held by Republican senators. Not only had Republicans failed to agree with the late President Lincoln, but they also held little accord among themselves. Their suggestions for Reconstruction policy covered a spectrum from the most moderate to the most extreme of proposals. Some hoped to welcome the southern states back into the national fold immediately, while others sought a program of wide-scale land confiscation and disenfranchisement for former Confederates.



Radicals claimed President Andrew Johnson's difficulties were caused by his "unreasoning pugnacity."
Library of Congress

Charles Sumner, as we know, was identified with the group known as the Radical Republicans. Their goal was to reorder the social, economic, and political structure of the South through the redistribution of land and the inclusion of blacks in voting rights.[6] Although historians have concentrated on the "revenge" element in the Radicals' approach to white southerners, perhaps we should consider their attempts to effect change through forceful action. They took up the banner of universal male suffrage when others were less willing to argue for this basic constitutional right. These men were not content to sit idly on the sidelines and watch the gains made from the Civil War slip away. They spoke for those who had no champions here in the Congress, and, for that, they deserve our admiration. Sometimes, they spoke with an unchecked fervor, but their goal was to create a better nation for all citizens.

Despite the Radicals' vigor, the events and the passions of the day moved beyond their control. The benevolent relationship with the president proved premature, and Republicans saw their hopes fade for a Reconstruction program predicated on party unity. Stung by the turn of events, Senator Sumner, in a letter to a friend, lamented, "It is very hard that we should have this new controversy." [7]

How did they come to this new controversy? What events led the Senate to a complete rupture with the president of the United States? Senator Sumner's first rush of confidence in Andrew Johnson caused him to miss some early signs that perhaps the relationship of the Radical Republicans with the new president was not quite as sanguine as it had first appeared. If Sumner missed the first warning signals that came from the new administration, Representative Thaddeus Stevens and General Carl Schurz did not. Schurz feared that some southern states would attempt to persuade Johnson to forego Republican Reconstruction, while Thaddeus Stevens recoiled in horror when Johnson recognized the government of Virginia. Despite these early rumblings, Senator Sumner remained unperturbed, convinced that his colleagues had nothing to fear from President Johnson.

The senator's calm was shattered on May 29, 1865. On that date, President Johnson issued two proclamations that revealed the future direction of his administration. The first explained the lenient terms of amnesty for former Confederates, while the other established a North Carolina Reconstruction government that excluded blacks from voting.[8]

Now aroused, Sumner launched a vigorous letter-writing campaign designed to check the president's plans. The confused senatorial responses reflected the diverse opinions held among the Republicans. Some urged that the Senate adopt a conciliatory note with the chief executive; others hoped the best could be made of the situation; still others felt unsure about the constitutionality of challenging the president; while others expressed little interest in the subject of black suffrage.[9] The small band of Democrats in the Senate, of course, watched delightedly as the president turned away from his own party to that of the opposition. Yet, regardless of personal opinions, all senators watched uneasily as they recognized the danger signs of an almost certain clash ahead.

Johnson, confident in his executive position, did not soften the burgeoning crisis. Andrew Johnson simply did not have a winning manner. When faced by opposition, the worst, rather than the best, of his character surfaced. Even Johnson's good friend, Senator John Sherman of Ohio, came to feel that the situation was exacerbated by Johnson's "unreasoning pugnacity." It proved the president's undoing that he failed to understand that, in his station, he was not required to answer his critics, but had only to maintain his strength in an ordered appearance.

Andrew Johnson, when faced with an opponent, immediately threw himself into the fray, hurling abusive and violent language in all directions. The comparison with the late Lincoln could not be avoided. The coarse verbal hostility of the new executive stood in sad contrast to the gentle man from Illinois. The result brought only weakness to the Republicans as they flailed about at each other. The tragedy was, of course, that the country, reeling under a series of crippling national blows, needed greater unity and harmony in its leadership.[10]

By August 1865, the division between the Radical Republicans and the president had escalated to such a degree that the president called these members of his own party his "adversaries" whom he sought to foil.[11] The Radicals pointed to the president's inconsistent interpretation of his constitutional authority. On one hand, he claimed authority to appoint provisional governors, and to require states to abolish slavery and repudiate their debts—actions for which there was no clear support in the Constitution. At the same time, Johnson declared that under the Constitution he lacked power to force states to enfranchise black Americans. His Radical Republican critics argued that requiring black suffrage as a condition for allowing southern states back into the Union would be no more unconstitutional than his other actions.[12] The confrontations gained momentum when the southern states, increasingly truculent with even the most modest of presidential regulations, elected not fewer than twenty-five loyal Confederates to the United States Congress.

Emotions ran at a fever pitch in all camps—the executive office, the Democrats, the Radical Republicans, the moderates, and the former Confederates who now turned their attention to their national status. As the date for the convening of the Senate drew near, it became increasingly clear that here, in these halls, the issues that had brought the nation to war would now assume new dimensions, be argued with a new rhetoric, and continue to demand new constitutional interpretations.

The Thirty-ninth Congress convened on December 4, 1865. For the first time since secession, members from both the North and the South would gather. So hopeless had been the congressional condition in the last months before secession, and so debilitating the nature of their acrimony in 1860, that we should marvel that the Union persevered and that, once again, our full national legislature assembled. True, it came together with varied and often bitter emotions; but disagreement and debate are part of the essence of this body. That is as true today as it was yesterday and as it was in the 1800's. It is a great tribute to the fundamental soundness of this institution that the members reconvened and that the business of the government continued.

The importance of this momentous occasion was not lost on the Washington populace. The atmosphere was charged with expectation as the curious gathered in the Capitol to witness the opening of this historic session. A spectator gazing down from the gallery could not have missed the solemnity of the day as Senator Lafayette S. Foster of Connecticut, a member respected for his legislative skills, took the position of president pro tempore. Foster's presence underscored the tragic events of the assassination, for the vice president had vacated his seat in the Senate to assume the executive office. (To my colleagues who may wonder, this is the Lafayette Foster whose bust is displayed in the Vice President's Room just outside the Senate chamber.) As Senator Foster began his duties, the seventy-two senatorial seats before him provided a grim reminder of the war's legacy. All seventy-two, arranged in their three-tier fashion, were not to be filled on that opening day. To the left and the right of the presiding officer stood the vacant seats, sentinels to the South, waiting for their senators to be readmitted to the chamber.

Slowly, the senators gathered on that first morning. The dynamic, aggressive Sumner was, of course, the center of attention. Close by him were freshmen Senators Edwin Morgan of New York and Richard Yates of Illinois. Seated together in a middle tier of seats was a collection of distinguished and seasoned senators—Lyman Trumbull of Illinois, Henry Wilson of Massachusetts, Ben Wade of Ohio, and William Pitt Fessenden of Maine. Some, like Senator Reverdy Johnson of Maryland, were noted for their wisdom and balance. Others, like the elderly Garrett Davis of Kentucky, were known for their talkative, quarrelsome natures. Some were young, like William Sprague of Rhode Island, and some, like the widely admired Solomon Foot of Vermont, were near the end of life's journey and would not live to see the close of the Thirty-ninth Congress. Yet another, James Lane of Kansas, tormented by ill health and personal distress, was soon to kill himself in the presence of several friends. These individual tales were still to unfold but, for that day, December 4, 1865, perhaps the spirit of the senators was best captured by the restless and brooding Willard Saulsbury of Delaware, who repeatedly paced back and forth across the little carpet behind his desk.[13]

At noon, twenty-five senators responded to the roll call. It fell to the Reverend Edgar Gray, Chaplain of the Senate for the Thirty-ninth Congress, to intone the thoughts that must have been in the hearts of many who gathered in the Senate chamber. Gray raised his voice and prayed, "Glory be to thy name, O God, that the Republic still lives, the nation survives, the country is safe!" But, unable to ignore the mood among the senators, and aware that only divine intervention could avoid the conflicts ahead, the Reverend Mr. Gray continued, "Grant . . . that all [senators'] deliberations and enactments may be such as to . . . insure the unanimous acquiescence of our people." [14]

If the air in the Senate was somber and foreboding, it differed across the way in the House of Representatives. Hours before the appointed time for the opening of the House, huge throngs gathered in the halls and the galleries. The diplomatic gallery, the reporters' gallery, every available nook and cranny overflowed with the curious who wanted to witness the first calling of the roll. What would happen when the clerk came to the names of those states lately in rebellion? How would he respond to the challenges from the representatives of states whose governments had not yet been recognized as reunited with the Union? If those states could gain recognition on the floor of the House, it would represent their first step in the return to full constitutional power. That was a step that most northern states were not yet ready to grant to the South. The tension mounted and the spectators received the show they wanted, for what followed was, indeed, unique in roll-call procedures. The clerk simply passed over the names of the Confederate states and refused to allow the challengers to interrupt the reading of the roll. In the same fashion, he proceeded to block any challenges until he announced that a quorum was present. Upon determination of the quorum, the clerk boldly proclaimed that no one could address the chair whose name was not on the roll. So did the House of Representatives manage to sidestep the recognition dilemma until the Congress was more fully organized for the business at hand.[15]

By December 21, the Congress had completed one of its most delicate chores: it had established the Joint Committee of Fifteen on Reconstruction. Solemnity and wrenching debates marked the creation of this committee. Although members of both houses viewed the Reconstruction committee as necessary and proper, all knew that it would serve to intensify the already sticky problems of reunion. The committee included a politically moderate group of senators and representatives, but this did not help. Southerners looked upon the committee with ill-concealed hatred, for they were certain they could only expect revenge and stringency from the North. Some from the North regarded the committee with skepticism, certain that it would only hinder their own Reconstruction goals. President Johnson allowed the committee only his suspicions and misgivings and promptly labeled it the "Central Directory."[16]

At the very least, the Reconstruction committee heralded the introduction of worsening relations between the Congress and the president. Despite many other national topics that required the attention of the Congress, this single joint committee mushroomed in importance as the tensions between the executive and the Congress multiplied. The Reconstruction committee emerged as the major symbol of a nasty division between two of our three branches of government—a division that would ultimately lead the Congress to bring impeachment proceedings against the president of the United States.

The division crystallized in February 1866, when a shocked Congress heard President Johnson's veto message for the Freedmen's Bureau bill. This bill, designed to expand the powers of that agency and provide monies for the support and building of schools, had passed both houses with dispatch. Congressional leaders, secure that the president supported the measure, felt betrayed when he exercised his veto. Even moderate Republicans were keenly disappointed and recognized that President Johnson was turning away from his own political party and casting his lot with the southern Democrats. Moderates, who thought they had correctly anticipated the president's wishes in the matter of the Freedmen's Bureau bill, felt uncertain about the future. To what end could this lead? What would be the outcome of this presidential slap?

They had not long to wonder. Within three days of the veto message, President Johnson tossed all caution to the winds and attacked the Radicals of his own party with words not designed to mollify. The Radicals, he said, were "traitors," who planned to assassinate him. In a burst of excess, Johnson declared himself a "Christ" facing a collective "Judas." The president's rude words left the senators little room for retreat. An embittered Senator Fessenden announced, "He has broken the faith, betrayed his trust, and must sink from detestation to contempt."[17]

A few Republicans clung to a feeble hope that a full-blown confrontation with the president could still be avoided. These final vestiges of optimism were dashed in March 1866 when the president vetoed another round of legislation as unconstitutional because it had been passed in the absence of southern representatives. This turn of events greatly cheered southern Democrats, now anxious to resume all of their constitutional privileges. Republicans, however, saw this as merely a new and gloomy twist to the process of Reconstruction.

Republicans of the Thirty-ninth Congress gathered as a divided group, unsure about the correct course for Reconstruction legislation. Not all had been ready to follow the strong lead of Senator Charles Sumner, but events drew them to his camp. Republicans, now welded in a spirit of unity, marched under a single Reconstruction banner. The president, either by design or by accident, alienated all members of his own political party because he trampled on the prerogatives of the legislative branch. Faced with such a momentous threat, senators of all persuasions could not ignore the dangerous precedents that Johnson was establishing. What could be the future of the Senate itself if the chief executive, with total abandon, could denounce and belittle its proper responsibilities? This issue struck at the very essence of our governmental structure. Understandably, the Congress felt awed and challenged.

Stunned though they were, the members regrouped and focused on moving ahead with the work at hand. Republicans, anxious to honor previous commitments to black suffrage, struggled to write a civil rights bill, expand the Freedmen's Bureau bill, and draft the Fourteenth Amendment. Passioned were the speeches that came from both sides.

A host of fiery speeches on the civil rights bill displayed the Senate's full fury. No one expressed the central conflict of power between the executive and the legislative better than Ohio's Senator Benjamin Wade when he remarked:

> The Constitution makes him the executive of the laws that we make, and there it leaves him; and what is our condition? . . . if the President of the United States can interpose his authority upon a question of this character, and can compel Congress to succumb to his dictation, he is an emperor, a despot, and not a President of the United States. Because I believe the great question of congressional power and authority is at stake here, I yield to no importunities of the other side.[18]

The senator who rose to answer Wade's protest about the veto of the civil rights bill was a gentleman whose personal life was something of a scandal, but whose legislative interpretations were brilliant. Other senators noted sadly that Senator James McDougall of California often came to the Senate so inebriated that he could barely walk. But here was a legislator of such analytical skill that, although he appeared unable to focus on the topic at hand, within moments after entering the chamber he had grasped the discussion so clearly that he could rise to his feet and contribute some of the most incisive and forceful of senatorial comments. On this occasion, McDougall chose not to support the veto of the civil rights bill itself, but he defended the concept of the veto power as a just and proper function of the president given by the Founding Fathers.[19]

These theoretical debates aside, the Senate continued to wrestle with the practical problems of reuniting the nation, while fending off presidential encroachments. Do we today wonder at the passion of their debates and question their motives? Rather than judge harshly, we should admire these tireless men who tried to encourage the recognition and the acceptance of a national responsibility for civil rights.[20] It is because these senators hammered out the fundamental issues, refused to be bullied by emotion, and pursued the question to the finest point of constitutional analysis that our Constitution today continues as a monument to the concepts of equality for all our citizens. Here, in the record of these heated arguments, are the very areas where we should feel the greatest pride in the Reconstruction Congress, for they did not shrink from these thorny issues, but saw them through to their just conclusions and established universal male suffrage for all United States citizens.

The aggressive actions of the Congress only served to further agitate the already combatant president, who refused to accept that the legislative branch was exercising its proper prerogatives. Johnson persisted in making excessive statements in public and again reminded the nation that he paralleled the martyred Christ.[21] This new outburst proved more than Americans seemed willing to accept from their chief executive. In the congressional elections of 1866, Republicans in both houses scored stunning victories.

Surprisingly, Republicans gained in West Virginia, Missouri, and Tennessee—states whose populations, prior to the war, had been traditionally Democratic. Whether this represented a victory for Radical Republican programs or a rejection of the embarrassing apostate Republican president is hard to judge. Radical Republicans saw it as a mandate for their plans and launched an offensive to limit the powers of the alienated president.

Despite the efforts of Congress to curtail the president's authority, the executive office possessed many powers that the legislature would not be able to limit. This helped to create among Republicans a growing belief that the only solution for the clash over Reconstruction policy was to remove the president from office. Members of Congress reached that decision only after the most tortured considerations.

Article II, section 4, of the Constitution empowers the House of Representatives to impeach and the Senate, upon a two-thirds vote, to convict. The umbrella of section 4 covers any federal official charged with "Treason, Bribery, or other high Crimes and Misdemeanors." Yet, never before in our history had the Congress seriously considered using this ultimate sanction against a chief executive.

Accordingly, the prospective seriousness of this action sidetracked the first efforts to initiate impeachment in 1867, when a House resolution failed to pass the Judiciary Committee. Moderate Republicans were simply not ready to assume the frightening responsibility of presidential impeachment. Of that decision, Maine's William Fessenden, observing from the Senate, commented in a letter:

> You will have learned that the House has decided not to impeach the President. I am glad of this. . . . The President has undoubtedly been guilty of very serious offenses, the consequences, I think, of bad temper and of self-confidence. . . . The country will now breathe more freely, and if we can act like sensible men I shall have some hopes of the future. Yet we have many more troublesome problems to solve, while the folly and madness of certain men keep us in constant peril.[22]

From the executive's corner, word spread that the president, impressed by the congressional rumblings, would begin to implement the Reconstruction laws. The feelings of relief among Fessenden and his moderate colleagues proved short-lived as the uneasy truce between the executive and legislative branches of government quickly collapsed.

The focal point for the final breakdown of presidential-congressional relations proved to be the Tenure of Office Act, passed by Congress in March 1867 as a deterrent to the president's tendency to dismiss public officials supportive of the congressional Reconstruction goals. This measure included a proviso that Senate permission was a requirement for the firing of a cabinet officer. It was a thinly disguised move to protect the position of the secretary of war, Edwin Stanton, one administration official in agreement with the plans of the Congress for southern Reconstruction.[23]

As the relations between the opposing branches deteriorated, President Johnson widened the fight by attempting to remove Secretary Stanton. Andrew Johnson's efforts to manipulate that crisis rested on cooperation from General U.S. Grant, whom the president appointed to Stanton's post. This action did not pass without challenge and, as arguments on both sides heated, Grant, unwilling to offend members of his party in Congress, withdrew from the conflict. Stanton resumed his post, the relations between President Johnson and Grant dissolved, and the Republicans bathed in victory's warm glow while they looked to Grant with new admiration.

There followed a series of comic scenes, unworthy of national leaders. Stanton literally barricaded himself in his office and refused to admit Johnson's next appointee, General Lorenzo Thomas. Thomas was unable to wrest the keys to the office from the obstinate Stanton, all a scenario that the Senate watched with delight.

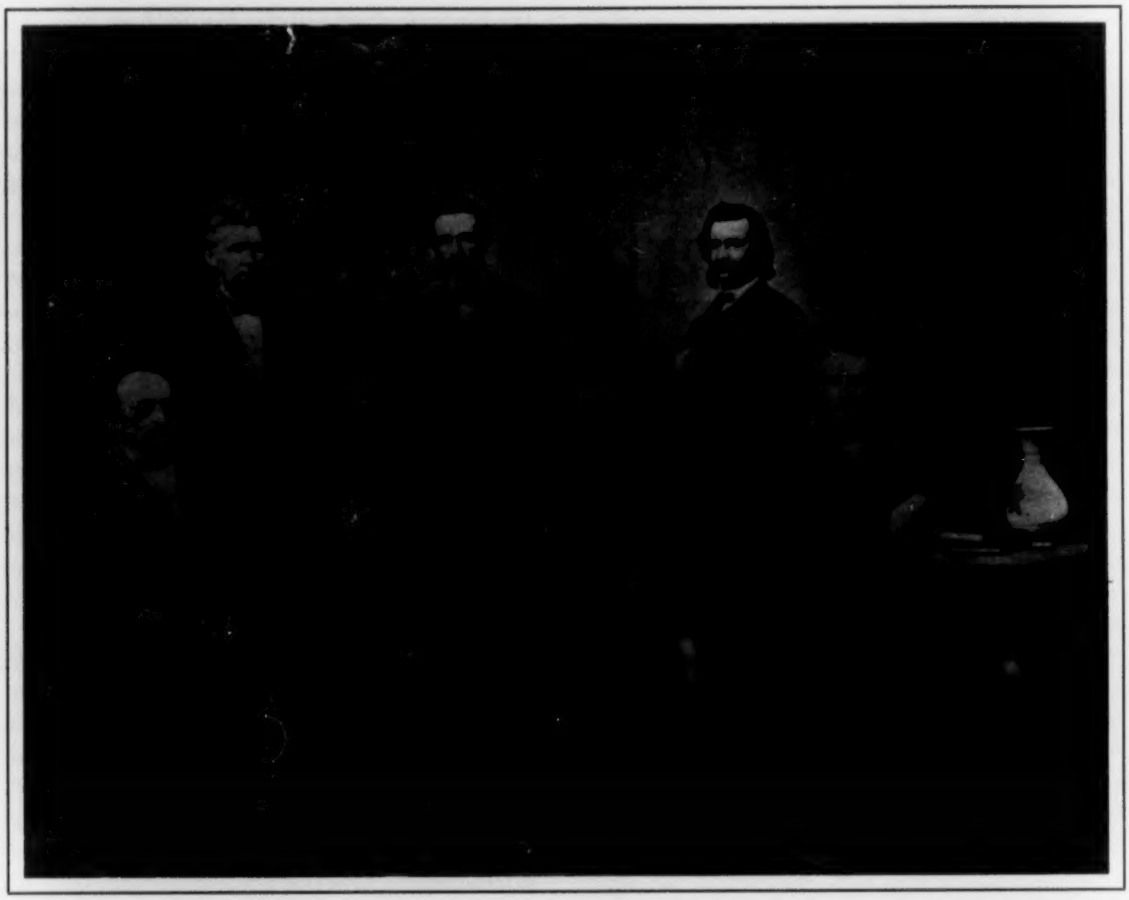
This circus wiped out any small remaining support that the president held among moderate Republicans. They had tried, through a series of maneuvers, to deflect the growing sentiment against the president, but to no avail. Finally, the bitter feud, filled with contempt and angry words, came to its predictable climax. The difficulties with Stanton only supplied the immediate excuses for initiating some decisive action. The House reactivated its impeachment motions.

Whether Johnson's actions truly represented impeachable offenses of high crimes and misdemeanors was not certain to all participants. It seems fair to say that, as with most critical issues, the combination of forces leading to the impeachment and trial are not easily separated. Motives for action included some of the highest political purpose and concern for human rights in our nation's history, intense interest in constitutional law, and the need to protect the separation of powers in the federal government. There also could be found ample measures of partisanship, greed, and a desire to extract personal gain and political advancement from a national crisis. This potent mixture of political chemicals impelled both houses of Congress to move forward with the impeachment process.

Republicans charged that the president systematically obstructed all congressional procedures to provide equality for freed slaves, ignored the efforts of Congress to insure safeguards for the future protection of black citizens, deserted his own party, and openly collaborated with the southern states to restore their political powers without impediments or supervision. Not only was Andrew Johnson seen as a dangerous threat to the future success of the Republican party, he was also viewed as a national embarrassment—a president reveling in disregard for the authority of the United States Congress, and the individual most responsible for inciting the continued attitudes of rebellion among white southerners.

Out of these sentiments, the House of Representatives drew up ten (later eleven) articles of impeachment against the president and presented them to the Senate. On February 27, 1868, a special House delegation visited the Senate. Headed by Thaddeus Stevens and John Bingham, the group announced the impeachment resolution had passed the House on February 24, 1868, and asked the Senate to prepare for the trial to follow. President pro tempore Wade then selected a special committee of seven senators to establish rules of procedure for the trial. By March 2, the Senate had received the report of the special committee on rules, debated the topic, and voted to accept the committee's suggestions.[24] The powers of the presiding officer, powers of the Senate to subpoena witnesses, protocol for witness interrogation by senators, and methods for recording the testimony were included among the twenty-five rules of procedure.

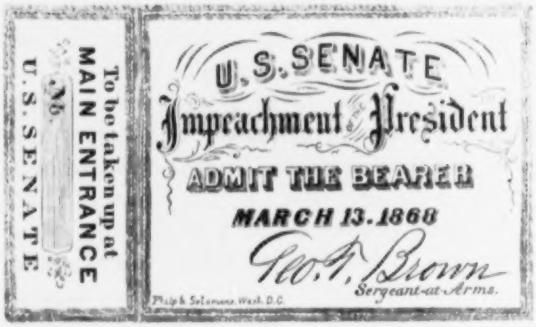
The pending trial became the focus of the social season. Washingtonians began to exude a festive air as they thronged to the Capitol in their best finery. Only holders of numbered and dated tickets could enter the Senate galleries. Of the one thousand tickets printed, forty were reserved for the diplomatic corps, while the chief justice, the Speaker of the House, and each senator got four. Pairs of tickets were distributed among House members, Supreme Court justices, and various other public figures. Twenty tickets were reserved for the president.[25]



Benjamin Butler, *seated left*, **Thaddeus Stevens**, *seated with cane*, **and fellow House managers conducted the impeachment trial of President Johnson.** *Library of Congress*

Opening day saw the Senate galleries jammed with a curious mob, but one person's absence did not pass unnoticed. That, of course, was Andrew Johnson who, contrary to his own personal desires, accepted the insistence of counsel that he boycott the tribunal.[26]

The trial itself began on March 30, 1868. Massachusetts' Benjamin Butler led the House impeachment managers. The waiting crowds had anticipated this moment. Butler, a colorful and vigorous character, was billed as one of the main attractions. The observers



To be taken up at
MAIN ENTRANCE
No.
U. S. SENATE

U. S. SENATE
Impeachment of the President
ADMIT THE BEARER
MARCH 13. 1868
Geo. T. Brown
Sergeant-at-Arms.
Philp & Solomons, Wash. D.C.

Admission to the Senate galleries for the impeachment trial required a ticket. *U.S. Senate Curator's Office* expected that his remarks would sparkle with a lusty style and an irreverent humor.

They left that day disappointed. Butler initiated the events with a three-hour speech defining the nature of an impeachable crime. A tedious discourse, filled with legal technicalities, it failed to capture the crowd's attention. In the summation, Butler strove to captivate when, in a resounding voice, he boldly proclaimed, "Never again, if Andrew Johnson go . . . free . . . can the people of this or any other country by constitutional checks or guards stay the usurpations of executive power."[27] This melodramatic conclusion was not enough to rescue an oration that left the spectators bored and restless. The whole performance marked an inauspicious beginning for the prosecution.

Moreover, it forecast a glum fate for the prosecution's entire case. Pretrial sentiment throughout the nation seemed to indicate conviction was expected and favored. But, as the trial dragged on for several weeks, the national mood appeared to shift. A flow of contradictory telegrams to the Capitol aside, more and more the public appeared to dread the implications of removing a president from office.

Senators—their political acumen waxing and their fevered emotions waning—began to vacillate. Especially the moderate Republicans wavered, influenced by two considerations: first, they feared the permanent damage that removal might incur for the executive branch of the government; second, several senators cooled before the unattractive realization that they would inherit President pro tempore Benjamin Wade as the next president.

Johnson, for the first time in the crisis, comported himself with a measure of dignity. He avoided his habitual tirades against Congress and informed moderates that he was ready to comply with congressional Reconstruction. He maintained himself quietly throughout, apparently content to receive trial reports each evening from his servant.[28] Though he had frequently destroyed the public peace in the past, Johnson now unexpectedly strengthened his case by a decorum that was designed to increase sympathy for his position.

The trial ground on to its conclusion. Public excitement began to mount again as the time approached for the verdict to be returned. By the end of April 1868, Radical Republicans increasingly suspected that their efforts were doomed. The outcome centered again on the decisions of the moderate Republicans. They had the numbers to turn the tide either for or against acquittal. The opposing sides quickly moved to ensnare the votes of those senators regarded as unpredictable. Political promises and threats circulated throughout Washington.

Missouri's moderate Senator John Henderson received warm assurances of Democratic support in his next election if his acquittal vote cost him the backing of his own Republican party. The more crude action included blatant attempts at bribery, as reported by Senator Samuel Pomeroy of Kansas. One pro-Johnson group instigated a proposal to nominate politically oriented Chief Justice Salmon P. Chase, at that very moment presiding over the trial, as an alternative candidate for president of the United States. That faction succeeded in moving its pressure campaign to the domestic front and into the home of Rhode Island's Senator Sprague who was married to Chase's beautiful daughter, Kate.[29]

Radical Republicans foresaw that acquittal could unleash a flurry of presidential powers that would defy containment. The immediate issue, the removal of Secretary Stanton, paled as Republicans came to perceive the fundamental constitutional issues embedded in the president's defense. Johnson's counsel argued that the president could legitimately refuse to enforce a law that he believed unconstitutional, if it restricted the rightful powers of the executive. Second, the presidential attorneys maintained that the president could replace officials appointed by the consent of the Senate and install his own ad interim appointees. Further arguments suggested that the chief executive could overrule any law that his cabinet advised him was unconstitutional. The cumulative impact of these interpretations would be to provide the president with unlimited powers in the matter of Reconstruction. Ultimately, he could override all Reconstruction laws, establish his own state governments in the South, endanger the rights of all southern blacks and white Republicans, and restructure the composition of the next electoral college.[30]

On May 4, 1868, the task of summarizing the prosecution's case fell to Representative John Bingham of Ohio. For three days, senators in a packed chamber listened to his remarkable oration. Among his many dramatic and compelling remarks, he included:

> It is this spirit of justice, of liberty, of equality, Senators, that makes your Constitution dear to freemen in this and in all lands, in that it secures to every man his rights, and to the people . . . the . . . right of self-government . . . which is this day challenged by this usurping President, for if he be a law to himself the people are no longer their own law makers through their Representatives in Congress. . . .[31]

Upon his conclusion, spectators in the galleries burst into cheering and a great clapping of hands. Men and women jumped to their feet, waving their handkerchiefs, and ear-splitting whistles filled the air. When the sergeant at arms attempted to restore the order the chief justice demanded, his efforts were met with hisses and boos. In the ensuing ballyhoo, the chief justice demanded the galleries be cleared. This only generated more confusion, for it was unclear whether this order included the diplomatic and reporters' galleries. The senators and the chief justice continued to argue the point until finally all spectators had been removed from the chamber. At that moment, one of the central protagonists in the fray, Senator John Conness of California, immediately called for a recess, a motion that was greeted with a chorus of "Oh, no!" from his colleagues.[32]

The uproar was put to an end with the announcement that the matter was settled. But the senators had learned much from the wild outburst and, clearly, they had little interest in its repetition when the verdict was returned. On May 11, 1868, the opening moments of discussion centered on the need to assure that there would be no recurrence. Senator John Sherman of Ohio remarked that the verdict was certain to incite a great deal of excitement in the Senate chamber. He suggested that the assistants to the sergeant at arms be strategically placed throughout the galleries to arrest any rowdy persons, and that the chief justice announce this intention from the floor at the opening of the session and through the morning newspapers.[33]

The next day, Senator Zachariah Chandler rose to announce that his Michigan colleague, Senator Jacob Howard, had been struck with a high fever, was delirious, and his physicians thought him unable to attend. Chandler requested a postponement.[34] The supporters for acquittal saw this as a last-ditch stalling technique of the weakened Radicals.

The adjournment served only to prolong the agony of suspense for Republicans, who increasingly recognized the likely outcome. On Saturday, May 16, 1868, the Senate convened at noon, and, shortly thereafter, the voting began. Chief Justice Chase polled the members individually, article by article. Chase began, "Mr. Senator Anthony, how say you? Is the respondent, Andrew Johnson, President of the United States, guilty or not guilty of a high misdemeanor as charged in this article?" The Rhode Island senator responded, "guilty," and, as the chief justice proceeded, the chamber echoed with somber replies of "guilty" or "not guilty." Senator James Grimes and Senator Howard, although permitted to remain seated for their votes, through great physical effort stood to be counted—one on each side of the question.[35]

Two days were required to complete the voting. The first day, by a tally of 35 to 19, the strongest charge against the president, article 11, failed by one vote the two-thirds majority needed for conviction. When the Senate reconvened on May 26 to complete the voting—the adjournment called for Republicans to attend their national convention in Chicago—the scene from May 16 was repeated. Both the second and third articles of impeachment failed, and again the count was 35 to 19—one short of the necessary two-thirds count. The failure of these articles, fundamental to the case against the president, showed the Radicals that Johnson could not be convicted. For the Radicals, their cause was lost; the fragile friendship they forged with the moderates collapsed when nineteen senators chose to reject the plan to remove the president.

Several senators took up the pen to explain the rationale of their votes on those two days, not unlike what senators will do today. The weary Senator Grimes concluded in his written statement:

> I am wholly unable . . . to deduce any criminal intent. . . . I cannot agree to destroy the harmonious working of the Constitution for the sake of getting rid of an unacceptable President.[36]

On the other hand, that Radical leader of great power and persuasion, Charles Sumner, wrote:

> If Andrew Johnson is not guilty, then never was a political offender guilty before; . . . he has set your laws at defiance, and when Congress . . . strove to constrain him, he broke forth in rebellion against this constitutional authority. . . .
>
> For myself, I cannot despair of the Republic. It is a life-boat which wind and wave cannot sink; but it may suffer much and be beaten by storms. All this I clearly see before us, if you fail to displace an unfit commander, whose power is a peril and a shame.[37]

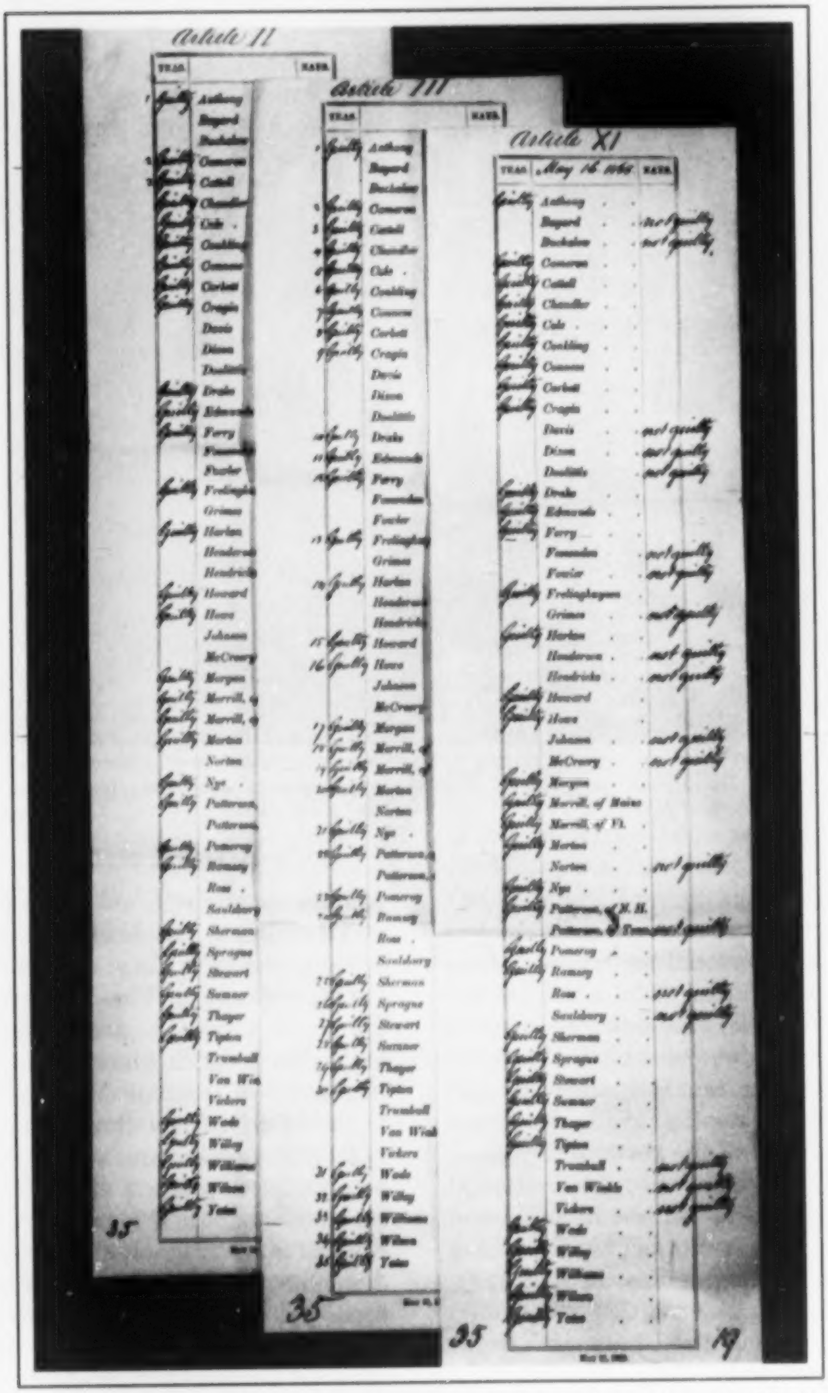
Sumner's remarks reflected his concern for the future of the nation, but also his confidence that the troubled events would not defeat this sturdy Republic. Sumner judged the nation correctly. As for individuals, the impact of the impeachment proceedings influenced the fate of some political lives more than others.

Senator William Pitt Fessenden—sometime friend, sometime foe of Charles Sumner—never quite escaped from his decision to vote for acquittal. At the time, he defended himself saying:

> The consequences which may follow either from conviction or acquittal are not for me, with my convictions, to consider. The future is in the hands of Him who made . . . the universe, and the fear that He will not govern it wisely and well would not excuse me for a violation of His law.[38]

Fessenden had many opportunities to remind himself that the personal consequences of his act were of small importance. His defense failed to convince Maine Republicans. They subjected him to a barrage of anger and criticism for his betrayal of the Radicals' cause. Some political opponents and Republican newspapers continued to abuse him throughout the remainder of his life. Others adopted an air of indifference and ignored him. When Fessenden died in 1871, former friends had not been reconciled; however, Senator Sumner cast aside any lingering disappointments over Fessenden's defection and eulogized his old associate.

Senator Benjamin Wade endured widespread censure for his active involvement in



Article II

Article III

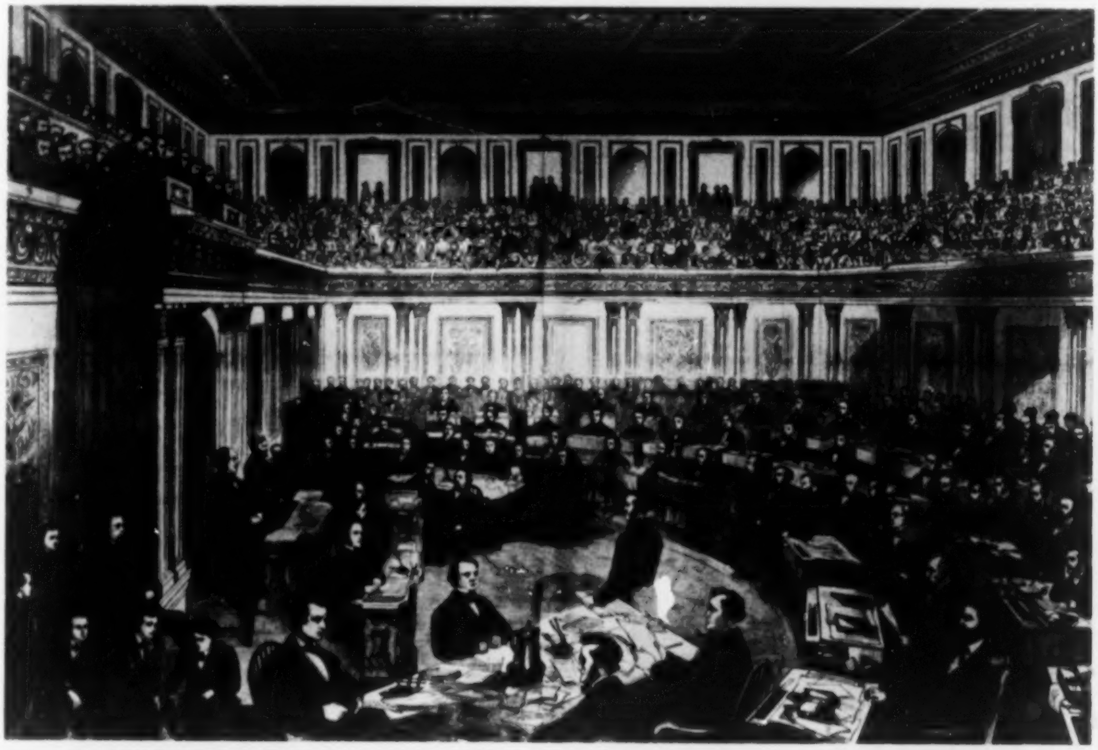
35

35

Article XI

YEAS	May 16 1868	NAYS
guilty	Anthony	
	Bayard	not guilty
	Buckalew	not guilty.
guilty	Cameron	
guilty	Cattell	
guilty	Chandler	
guilty	Cole	
guilty	Conkling	
guilty	Conness	
guilty	Corbett	
guilty	Cragin	
	Davis	not guilty
	Dixon	not guilty
	Doolittle	not guilty
guilty	Drake	
guilty	Edmunds	
guilty	Ferry	
	Fessenden	not guilty
	Fowler	not guilty
guilty	Frelinghuysen	
	Grimes	not guilty
guilty	Harlan	
	Henderson	not guilty
	Hendricks	not guilty
guilty	Howard	
guilty	Howe	
	Johnson	not guilty
	McCreery	not guilty
guilty	Morgan	
guilty	Morrill, of Maine	
guilty	Morrill, of Vt.	
guilty	Morton	
	Norton	not guilty
guilty	Nye	
guilty	Patterson, of N. H.	
	Patterson, of Tenn.	not guilty
guilty	Pomeroy	
guilty	Ramsey	
	Ross	not guilty
	Saulsbury	not guilty
guilty	Sherman	
guilty	Sprague	
guilty	Stewart	
guilty	Sumner	
guilty	Thayer	
guilty	Tipton	
	Trumbull	not guilty
	Van Winkle	not guilty
	Vickers	not guilty
guilty	Wade	
guilty	Willey	
guilty	Williams	
guilty	Wilson	
guilty	Yates	
35		19

Senate tally sheets recorded a 35 to 19 vote, one short of conviction, on impeachment article 11. *National Archives*



Before packed galleries, throughout the spring of 1868, the Senate met as a court of impeachment for the trial of President Andrew Johnson. *U.S. Senate Curator's Office*

the trial proceedings. Some thought it unseemly and unethical that the individual to gain the greatest personal boon from a conviction—succession to the presidency—should sit in the trial. Wade did not enhance his image when he voted with the Radicals. The defeat of the removal attempts also brought to a conclusion Wade's political service. At the end of the Fortieth Congress, he retired from public life and returned home to Ohio. Wade did not hold another elective office, but continued to exert some small political influence. He died in 1878, still loyal to the Republican party.[39]

Charles Sumner continued his work in the Senate. Weary though he was from his political battles and physical ailments, Sumner did not abandon his efforts to promote universal equality. He remained a unique figure in Senate history, a man either loved or hated by his colleagues. This intense response to Sumner is, in part, explained by his unfaltering insistence that black citizens were entitled to a full share of civil rights and privileges before the law. Sumner never wavered from that concept and would not alter it to accommodate political expediency. For that, his peers sometimes regarded him as inflexible, but Sumner ignored such charges, for he demonstrated the commendable quality of total political commitment to an ideal.[40] Charles Sumner continued to champion the cause of human equality during the remainder of his Senate service.

Charles Sumner, displaying a "bill of civil rights," continued to champion the cause of human equality.
Library of Congress

In the general political arena, the impeachment proceedings did clarify for the American public and the world that our system could endure such an awesome test. That such a crisis followed so quickly upon the heels of bloody national strife only reinforced the realization that the American democratic system was amazingly resilient.

The procedure, however, also showed that the Radical Republicans possessed only a tenuous hold on their congressional leadership. With the failure of this major congressional endeavor, the Radicals shortly saw their power base erode. In August 1868, the death of Representative Thaddeus Stevens, an archfoe of Johnson, further weakened the leadership of the Radicals. Wade had retired, as had one of the sources of the controversy, Edwin Stanton. Representative James Ashley of Ohio, an early Johnson opponent, also departed from the scene politically crippled by the collapse of removal efforts. His constituents did not forget that Ashley introduced the first House impeachment resolutions, and they declined to reelect this Radical.[41]

The central figure in the scenario, President Andrew Johnson, had but a short time to serve in his term. His own party gave no thought to a renomination for the outcast executive and passed the Republican standard to Ulysses S. Grant. Johnson may have hoped, aware of the Republican scorn, to secure a presidential nomination from the Democrats. This did not materialize. The Democrats let Johnson know that his Reconstruction efforts were appreciated, but members of the minority party were reluctant to embrace openly a president whose public posture was often so exceedingly bad.

Johnson's term of office formally expired on March 4, 1869. Then sixty years old and not in the best of health, Johnson returned to his home in Tennessee. In 1875, the former president succeeded in securing a senatorial seat from the Tennessee legislature, and he returned to Washington to the Senate chamber and took his oath of office. Again, Johnson's political exploits caused the Senate galleries to be packed with curious spectators. Johnson entered the chamber and faced many of his old foes—John A. Logan, an impeachment manager from the House, now in the Senate. George Boutwell, Frederick Frelinghuysen, Henry Anthony, John Sherman, Simon Cameron, Timothy Howe, Justin Morrill, and Roscoe Conkling rounded out the list of former opponents.

After a moment of stillness, the senator from Tennessee stepped forward and began to shake hands with his colleagues. One more time, the Senate galleries burst into a noisy display in response to a poignant moment in the difficult political career of Andrew Johnson.

Johnson's moment of personal vindication lasted but a brief time. Only five months later, in July 1875, he died of a stroke at the home of his daughter. His death brought to a close the impeachment epoch. For the persons who experienced the passions and the challenges of the only presidential impeachment and trial in our nation's history, the ramifications were both personal and political.[42]

In the midst of these overwhelming and weighty deliberations, it is easy to forget that other matters demanded Senate attention. The Senate could not permit itself to be entirely preoccupied with impeachment and Reconstruction business.

The economic and political development of the trans-Mississippi West also required Senate deliberation. Repeatedly, the topic of Indian land claims and treaty negotiations faced the Senate. A major focus concerned the development of rail transportation in the West. By 1867, the Senate began to question the slowness of track completion for the transcontinental railroad, as well as to inquire into the number of bonds issued to the Union Pacific Railroad.[43] Other western issues concerned the right-of-way and land grants to mining companies and the economic administration of the territories. It was the Fortieth Congress that received the official notice of the transfer of territory from Russia, and, thus, the Senate acknowledged the acquisition of Alaska. All these items pointed to the burgeoning national promise to be found in the Far West.

Yet, all the travail of Reconstruction had not disappeared. The trial of Andrew Johnson simply altered its nature and quality. In my next statement on the Senate's history, I shall direct my remarks to the second phase of the Reconstruction era.

CHAPTER 16

The Gilded Age
1869-1876

June 6, 1983

Mr. President, the history of the United States Senate is a most dramatic one, filled with significant individuals and important events. Recently, I discussed the turmoil of the Civil War and Reconstruction, climaxing with the unsuccessful attempt to remove a president. Today, I shall speak about the Senate during the administration of Ulysses S. Grant, a period in our history which Mark Twain has dubbed the "Gilded Age." [1]

Despite the failure of Johnson's impeachment and the growing disenchantment with congressional Reconstruction efforts, the Senate, in 1869, was an extremely powerful body. It had defied President Johnson and seized control of federal policymaking. Indeed, with a succession of relatively weak presidents in the White House, the Senate stood as the preeminent political entity in the federal government throughout the remainder of the nineteenth century.

The United States Senate in those years was controlled predominantly by the Republican party. From 1869 through 1900, there were only two out of sixteen congresses—the Forty-sixth, from 1879 to 1881, and the Fifty-third, from 1893 to 1895—in which the Democrats held a majority in the Senate. By contrast, control of the House of Representatives shifted far more frequently between the two parties over that same period, with Republicans in the majority during seven congresses, and Democrats in the majority during nine. In 1869, the Republicans controlled the Senate by a margin of 56 to 11, and the House by a similarly wide margin of 149 to 63.

"In the days of General Grant," one historian has noted, "to be a Republican Senator, still more to be a member of the inner circle of the dominant party, was to have both the feeling and the possession of power such as no Senators of any party have had since." Real power in Washington lodged with the congressional committees and their chairmen. Senator Justin Morrill of Vermont, for example, once turned down a cabinet appointment with the comment: "There is no gift, no office to which I could be appointed, that I would accept in preference to a seat in the United States Senate. I consider that the highest honor that could be bestowed on me, and [its duties] the highest function that I could perform." [2]

Of course, we need to place the image of those supposedly halcyon days in some perspective. Mark Twain's *Gilded Age* was, in fact, a bitterly satirical novel about political scandal and corruption, and others have referred to this age as "the Great Barbecue," when the wealth of the nation was being divided by unscrupulous spoilsmen. In truth, this was not the most admirable era in our political history. Pork barrel politics ran rampant in the halls of Congress; lobbyists stretched the boundaries of propriety; and government ethics reached a low ebb as news of the Whiskey Ring and the Credit Mobilier scandals shocked the nation.

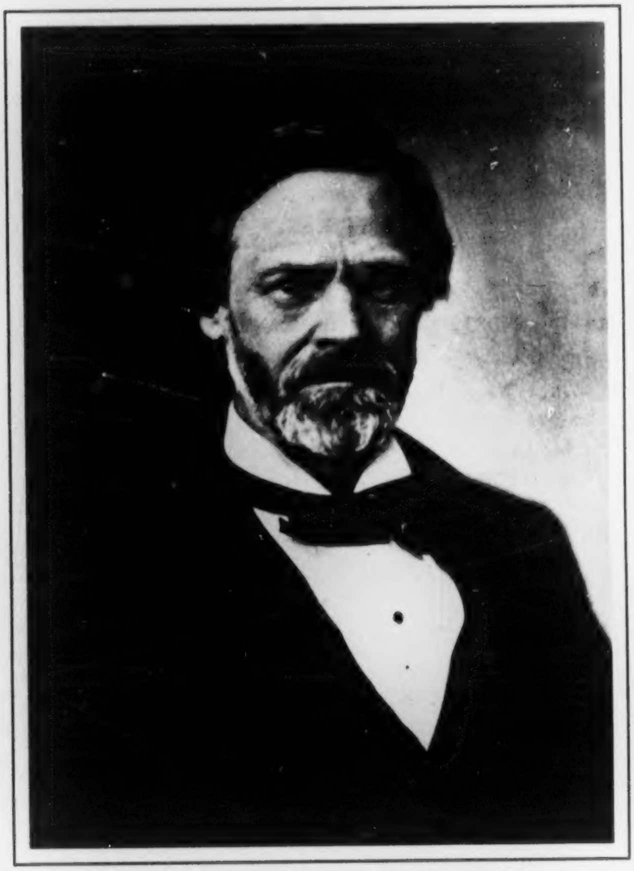
Although Grant entered the White House in 1869 with no experience in elective politics, members of his party in Congress held great hopes for his administration. Certainly, they expected relations between the executive and legislative branches to improve immeasurably over those of the Andrew Johnson years, for it was believed that Grant would defer to congressional authority. As Republican Senator John Sherman of Ohio, chairman of the Finance Committee, noted: "The executive department of a republic like ours should be subordinate to the legislative department. The President should obey and enforce the laws, leaving to the people the duty of correcting any errors committed by their representatives in Congress." [3]

In fact, Republican senators found their president's initial actions most unexpected and discouraging. On the day after his inauguration, Grant presented his list of nominees for the cabinet, having made no effort whatever to consult with Senate leaders on his choices. Republicans and Democrats alike were stunned by some of his selections: Representative Elihu Washburne, a man with no experience in foreign policy, to be secretary of state; a little-known Philadelphia merchant, Adolph Borie, to be secretary of the navy; and the nation's most prominent merchant, Alexander Stewart, to be secretary of the treasury. Ulysses Grant, a man who had done poorly in business before the Civil War and had never accumulated much money, remained impressed throughout his life with wealthy businessmen. Members of the Senate, meeting in special session to act upon Grant's nominations, were quick to point out that the act of 1789 which created the Department of the Treasury had specifically prohibited those engaged directly or indirectly in business to serve as treasury secretary. Stewart clearly violated this provision and had no intention of selling his famous department store in New York. Instead, he offered to put his stock in what we today would call a blind trust, and give his profits to charity. Grant declared this the most magnanimous act he had ever heard of. The move, however, failed to impress the majority of the Senate, and Stewart withdrew from consideration. Washburne also resigned, after only a week in office. It appears that Grant had appointed him secretary of state only to give him a little prestige before sending him abroad as American minister to France. Within eighteen months, six of the original seven cabinet members were gone. Grant's dismal cabinet choices were hardly an auspicious way to launch a presidential administration.[4]

Although we tend to look back on this period as a continuation of the Era of Reconstruction—and it is true that Congress continued to discuss civil rights and the restoration of the former Confederate states—a reading of the *Congressional Globe* during the Forty-first Congress makes it evident that national finances weighed most heavily upon the minds of senators. The first business of that Congress was to pass an act to strengthen the public credit. The Public Credit Act was introduced and passed in the House in a single day and arrived in the Senate on March 15, 1869. Here it passed after just a few hours of debate, by a vote of 42 to 13. On March 19, President Grant signed it into law.[5]

The ease with which this bill sailed through Congress belied its controversial nature. Historian David Rothman has called the need to stabilize the nation's currency "perhaps the most important and complex issue in the post-Reconstruction Senate." During the Civil War, Congress had approved the issuing of greenback paper currency, not backed by gold or silver, as a means of paying for the Union military effort. At the end of the war, the greenbacks were to be repaid in specie, but senators were divided over the best means of proceeding. So-called hard money contractionalists, particularly representing eastern industrial states, wanted to redeem the greenbacks as quickly as possible; while inflationists, chiefly representing southern and western agricultural states, preferred to increase, not decrease, the amount of money in circulation. While the public credit bill, setting broad policy objectives, won by a wide margin, specific currency and war debt measures divided the Senate sharply. Not until March 11, 1871, were Senate Republicans, by a strict party vote, able to pass a funding bill, which recalled some of the government war bonds and reissued them at lower interest rates. Passage of this bill, as Professor Rothman has suggested, was due less to party cohesiveness than to the hard work of Finance Committee Chairman John Sherman, who successfully fought off amendments by inflationists on both sides of the aisle.[6]

Currency problems persisted. There were very few coins in circulation in the early 1870's, except on the West Coast, where mines were producing great quantities of gold. As part of the 1869 Public Credit Act, the United States moved to issue gold and silver coins. In February 1873, the Senate and House easily passed a Coinage Act. By this measure, the Congress had eliminated silver as a monetary standard and placed the country on a gold standard. Members of the House and Senate thought little of the silver issue at this time. John Sherman, who was active in business, could not remember ever having seen a silver dollar, which had been pushed out of circulation by the gold mine discoveries in the West.[7]



Senator John Sherman of Ohio chaired the Finance Committee and shaped the currency bills of the 1870's. *Library of Congress.*

In September 1873, within seven months of the passage of the Coinage Act, the nation was plunged into one of its worst depressions, following the collapse of the banking house of Jay Cooke and Company. Cooke's bankruptcy ruined many investors and dragged down the stock markets. Businesses failed, unemployment soared, and bread lines formed. Wages fell an average of 25 percent, while food prices fell only by 5 percent. The depression of the 1870's was one of the most protracted in American history, lasting over five years. Indeed, some historians believe that the effects of the depression lingered throughout the remaining quarter of the nineteenth century.

Critics point quickly to the Coinage Act of 1873 as one of the causes of the panic and depression. Demonetization of silver, they charged, had caused a contraction of the currency and acted as a brake on the expansion of the economy. As western silver mines began producing silver in unprecedented amounts, inflationists came to regard silver coins rather than greenbacks as the best means of stimulating the economy. The act, which prohibited silver from being minted as coins, became the target of their protests. Farmers, debtors, and other hard-pressed segments of the society called the bill the "Crime of '73" and launched a movement to repeal it. The free coinage of silver would remain a rallying cry for the remainder of the century and would be one of the major planks of the Populist party of the 1890's.

Members of Congress were clearly aware of the public distress and discontent during the depression. "When Congress convened in December, 1873," John Sherman recorded, "the wildest schemes for relief to the people were proposed." Inflationists wanted a large increase in the amount of paper money in circulation. More than sixty bills relating to the currency, debt, and national banks were introduced in the Senate. Once again, however, it was the indomitable Senator Sherman who took the lead. In January 1874, he introduced a compromise bill; it would inflate the currency at a figure lower than that desired by the inflationists and higher than that wished by the contractionalists. Publicly known as the "Inflation Bill," it fixed the maximum limit of United States notes at $382 million, to be repaid gradually in coin. Sherman reported the bill from the Finance Committee on March 23, 1874, and a long continuous debate followed until April 6, when the Senate finally adopted it by a 29 to 24 vote. Support for the measure transcended party lines. Business interests, who saw the bill as a violation of the plan to redeem government notes in specie, urged President Grant not to sign it; and, on April 22, 1874, the Republican president vetoed the bill passed by the Republican-controlled Congress. Still, as Professor William McFeely, biographer of Ulysses S. Grant, has asserted, "Grant's veto made the stand of the Republican party official. From this date it was the party not of the working class but of those who were or aspired to be the capitalists." At least for the remainder of the century, the party would identify itself with "sound money contractionalists." [8]

There was a price to pay for Grant's veto and the apparent failure of the administration and the Congress to deal effectively with the panic and depression. In November 1874, the Democrats won control of the House of Representatives for the first time since before the Civil War, and increased their representation in the Senate—although Senate Republicans remained, by far, in the majority. When the members of the Forty-third Congress returned for their lame-duck session in December 1874, the Republican members were subdued and startled by the election returns. The Republican caucus realized it must act quickly and appointed an eleven-member committee, chaired by John Sherman, to draft a new funding bill. On December 20, the Republican caucus adopted the bill with only four dissenting votes. It was then introduced in the Senate, where members of the majority agreed in advance

United States Senators, Forty-third Congress
Photographed on Thursday, February 12, 1874, at the east portico of the Capitol

Front row, left to right, Gordon, Windom, Bogy, Cameron, Fenton, Carpenter, Pratt, Chandler, Scott, Hitchcock, Ramsey

Second row, left to right, Goldthwaite, Flanagan, Dennis, Wadleigh, Stewart, Alcorn, Wright, Robertson, Clayton, Tipton, Patterson, Cragin, Thurman

Third row, left to right, Chief Clerk W. J. McDonald, Mitchell, Harvey, Ingalls, Kelly, Davis, Stevenson, Ransom, Sherman, Hamilton of MD, Boreman, Logan, Conover

Back row, left to right, Assistant Doorkeeper J. I. Cristie, Sprague, unknown, Sergeant at Arms J. R. French, Assistant Doorkeeper I. Bassett, Hager, unknown, Anthony, Bayard, Pease *Library of Congress*

not to speak for or against it, but simply to adopt it by a party vote. "We have not had the benefit of any discussion that took place over this bill in that secret place called the caucus," complained Democratic Senator Allen Thurman. "A law upon so great a subject as this, a subject that is to affect all the people of the United States, which is not a party question at all and cannot be made so—in that secret caucus, it seems, this great financial measure to restore a sound currency to the country has been matured and the vote taken to put it through the Senate!" These protests notwithstanding, the Republican majority adopted the bill by a vote of 39 to 16.[9]

The Resumption Bill of 1875 reinstituted specie payment and cut back the number of greenbacks in circulation. It represented a victory for the northeastern financial interests and, generally, set federal policy on the issue, but it did not settle currency disputes. It did not specify whether the redeemed greenbacks would be destroyed or reissued, nor how many would remain in circulation. Inflation, contraction, silver, bimetalism, and other currency issues remained heated political topics in every election for the rest of the century. I shall have more to say about them in future addresses on the history of the Senate.

Mr. President, while currency issues stood in the forefront of Senate discussions throughout the Gilded Age, there remained much unfinished business dealing with the Reconstruction of the South following the Civil War. Federal troops continued to be stationed throughout much of the South, and some southern state governments had still not been readmitted to full status in the Union. The failure to remove President Johnson had weakened Radical Republicans, and there were growing signs that the northern populace was tiring of Reconstruction issues. But the status of the freedmen, the four million former slaves, remained an important political issue. Congressional Republicans mixed altruism and political advantage in their Reconstruction policies, for the Republican senators and representatives from the southern states were dependent upon the votes of the freedmen.

At the end of the Fortieth Congress, in March 1869, Congress had passed the Fifteenth Amendment to the Constitution, which granted the right to vote to all men, regardless of their color. Women, both black and white, were still unable to cast votes in state or federal elections. Those southern states awaiting readmission to the Union were required to ratify the Fifteenth Amendment as a precondition to their readmission. On March 30, 1870, the amendment went into effect. But no law—even an amendment to the Constitution—is self-administering. It requires the support of the government to enforce it. After the adoption of the Fifteenth Amendment, it was obvious that forces in the South were at work to deny black citizens their legal right to vote.[10]

Throughout the former Confederate states, a number of vigilante organizations had formed, often organized and led by former Confederate soldiers. They went by many different names: the Knights of the White Camelia, the Pale Faces, and so forth, but the most famous of these organizations was the Ku Klux Klan, founded in Tennessee in 1866. Its objective was to frighten supporters of the Reconstruction governments away from the polls, drive out the carpetbaggers, and restore state political control to the old order. In its first effort to counteract the use of violence and intimidation, Congress passed the Enforcement Act of March 1870, which prohibited groups of people from banding together "or to go in disguise upon the public highways, or upon the premises of another" with the intention of violating citizens' constitutional rights. Even this legislation, however, did not diminish harassment of black voters in some areas.[11]

In December 1870, Senator Oliver H.P.T. Morton, an Indiana Republican, introduced a resolution requesting the president to communicate any information he had about those in North Carolina who "threaten resistance" to the execution of the laws of the United States. After the Senate adopted Morton's resolution, President Grant submitted several War Department reports relating to events in North Carolina and other southern states. These reports were referred to a panel known as the Select Committee of the Senate to Investigate the Alleged Outrages in the Southern States, chaired by Senator Henry Wilson of Massachusetts. While the select committee concentrated on North

Carolina, in the next Congress a Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States was created with a broader mandate.

While these committees were investigating southern attempts to suppress Reconstruction, the Senate passed two more Force acts, also known as the Ku Klux acts, designed to enforce the Fourteenth Amendment and the Civil Rights Act of 1866. The second Force Act, which became law in February 1871, placed administration of national elections under the control of the federal government and empowered federal judges and United States marshals to supervise local polling places. The third Force Act, which became law in April 1871, provided the broadest federal powers. The president was empowered to use the armed forces to combat those who conspired to deny equal protection of the laws and also received the power to suspend habeas corpus, if necessary, to enforce the act.

The Force acts and the publicity generated by the joint committee helped put an end to the Ku Klux Klan (the twentieth-century Klan, a different organization, was founded in 1915). Historian Barry Crouch of Gallaudet College has noted that the Grant administration actively enforced the Ku Klux acts only until 1874, and that after that, the law was "effectively emasculated" by various Supreme Court rulings. Indeed, in a series of decisions between 1876 and 1906, the Court ruled that large portions of the first and third Force acts were unconstitutional. "By that time," Professor Crouch has written, "the Ku Klux terror had passed, but the federal government was unable to stem the large-scale disenfranchisement that went on in the South at the end of and after Reconstruction." [12]

It is quite clear that the president and the Congress, even with its Republican majorities, were growing weary of Reconstruction and were seeking peaceful compromises to reunite the South and end the long division between the sections. In fact, the year after the last Force bill was enacted, the Senate debated a general amnesty bill for former Confederates. Since the end of the war, Congress had passed several thousand individual relief bills, returning legal and political rights to former Confederates. Now, the time had come for a blanket amnesty. In December 1871, the Senate began debate on a bill to remove legal and political disabilities from all southerners except three groups: former members of Congress who resigned to join the Confederacy; former officers of the United States army and navy who gave up their commissions to fight for the South; and members of state conventions that adopted ordinances of secession. Members of the Senate, Republicans and Democrats alike, called this a "peace-offering." "I shall vote for this bill," said Massachusetts Republican Henry Wilson, ". . . as a safe and sound measure of public policy, as a thing of charity and mercy, of unmerited grace." Senator Wilson commented: "The nation lives in vigor and power. It can afford not to execute justice, and to forgive the vanquished. It can with safety be magnanimous." [13]

It is interesting to note that among those Republican senators who supported a policy of "forgiveness" toward the former Confederates was Senator Hiram Revels of Mississippi. Revels entered the Senate on February 25, 1870, in what must have been one of the most emotional moments in Reconstruction history for the champions of civil rights. Born in North Carolina, Hiram Rhodes Revels attended the Quaker Seminary in Indiana and graduated from Knox College in Illinois. He was an ordained minister in the African Methodist Episcopal Church and, during the Civil War, served as chaplain to a black regiment in Mississippi. After the war, Revels settled in Natchez, where he was

Hiram Revels of Mississippi, the first black senator, took his seat in 1870. *Library of Congress*

elected to the Mississippi state senate and, finally, to the United States Senate. Thereby, the Mississippi senator earned the distinction of becoming this body's first black member.[14]

Senator Henry Wilson presented Revels' credentials to the Senate, but there was intense opposition to his seating. Democratic senators generally agreed with Senator Willard Saulsbury of Delaware that his election was invalid because Mississippi remained under the control of a provisional military governor. Added Senator Garrett Davis of Kentucky: "Did he come here by the free voices, by the spontaneous choice of the free people of Mississippi? No sir; no. The sword of the military dictator has opened the way for his easy march to the Senate of the United States." The passion of these words betrayed the anger of some members of the Senate at the prospect of accepting a black man as a colleague. Senator Wilson described the seating of Revels as the "last battle" of the Civil War. It was a decisive battle, indeed. Finally, on February 15, 1870, the Senate voted 48 to 8 to seat Hiram Revels.[15]

Senator Revels had been elected by the Mississippi legislature to fill an unexpired term, and his service in the Senate ended after just a year in office. During his brief term, even his political opponents described him as dignified and courteous. As a senator, Revels fought for federal protection of the freedmen in the South, and opposed racial segregation in the public schools of the District of Columbia. Revels left the Senate in March 1871. Four years later, Mississippi sent a second black man, Blanche Kelso Bruce, to the Senate. Senator Bruce served a full six-year term, and his presence in the Senate chamber drew national attention because he was a successor to the seat once occupied by Jefferson Davis.[16]

Mr. President, historians have argued for generations about the merits of congressional Reconstruction. They have alternately painted as devils and saints the senatorial architects and opponents of the various Reconstruction measures. We know that Reconstruction ended, not with the integration of the freedmen into full equality with white society, but with segregation. We know that, after the service of Senators Revels and Bruce, it was eighty-five years before another black man, Senator Edward Brooke of Massachusetts, was elected to the United States Senate. We know that many of the hopes and ideals held out to the freedmen during Reconstruction were cruelly denied them for decades and generations to come. But whom do we fault? And how do we judge our predecessors?

On the issue of segregation, for example, the Senate passed a very strong civil rights bill in 1875. This bill guaranteed equal rights to all citizens in public accommodations and in public transportation. It was, in many ways, the forerunner of the Civil Rights Act of 1964. The civil rights bill was the handiwork of Senator Charles Sumner of Massachusetts, who first introduced it in May 1870 and reintroduced it again and again, fighting strenuously for its passage. As Professor David Donald, in his excellent biography of Sumner, has written:

> . . . Sumner's civil rights bill was a proposal of immense strength and of broad statesmanship. More than any of his political contemporaries, Sumner realized that the future of American democracy depended upon the ability of the white and black races to live together in peace and equity. Instead of huddling the sensitive question of race relations out of sight, he wanted it discussed fully and openly at a time when American institutions were still flexible enough to permit major social changes.[17]

Sumner tried and failed to attach the civil rights bill as an amendment to the amnesty bill in 1872. He lost the procedural battles and the floor votes; however, he persisted in his fight. Even on his deathbed in 1874, the bill remained foremost in his mind. When friends came to see him for the last time, he implored, "You must take care of my civil-rights bill—my bill, the civil-rights bill, don't let it fail."[18] Sumner died on March 11, 1874, and almost a year later, on March 1, 1875, his civil rights bill became law. In 1883, the Supreme Court found the central provisions of this bill to be unconstitutional. The Court decided that the Fourteenth Amendment prohibited only violations of civil rights by the states and not by individuals. Federal authority to protect black citizens from discrimination was, therefore, a limited authority.

Turning from issues of public finance and reconstruction, we can observe that the Senate was exceedingly busy during the Grant era, and faced a growing range of issues. In 1870, for example, Congress created the Department of Justice and, in 1871, it set up the first Civil Service Commission. In 1872, Yellowstone National Park was designated as the first of our national parks, setting aside vast territories with timber, mineral, and water resources for the common good of the nation, rather than the commercial advantage of individuals and groups. Also passed that year was the General Mining Act of 1872, which provided that "all valuable mineral deposits in the land belong to the United States . . . to be free and open to exploration and purchase by the citizens of the United States." In 1870, 1872, and 1875, Congress also enacted major tariffs. Here, its work was contradictory, indicating the great battles going on between protectionists and free-trade advocates. The tariffs of 1870 and 1872 reduced rates on many commodities—

Blanche Kelso Bruce, the second black senator from Mississippi, served a full six-year term.

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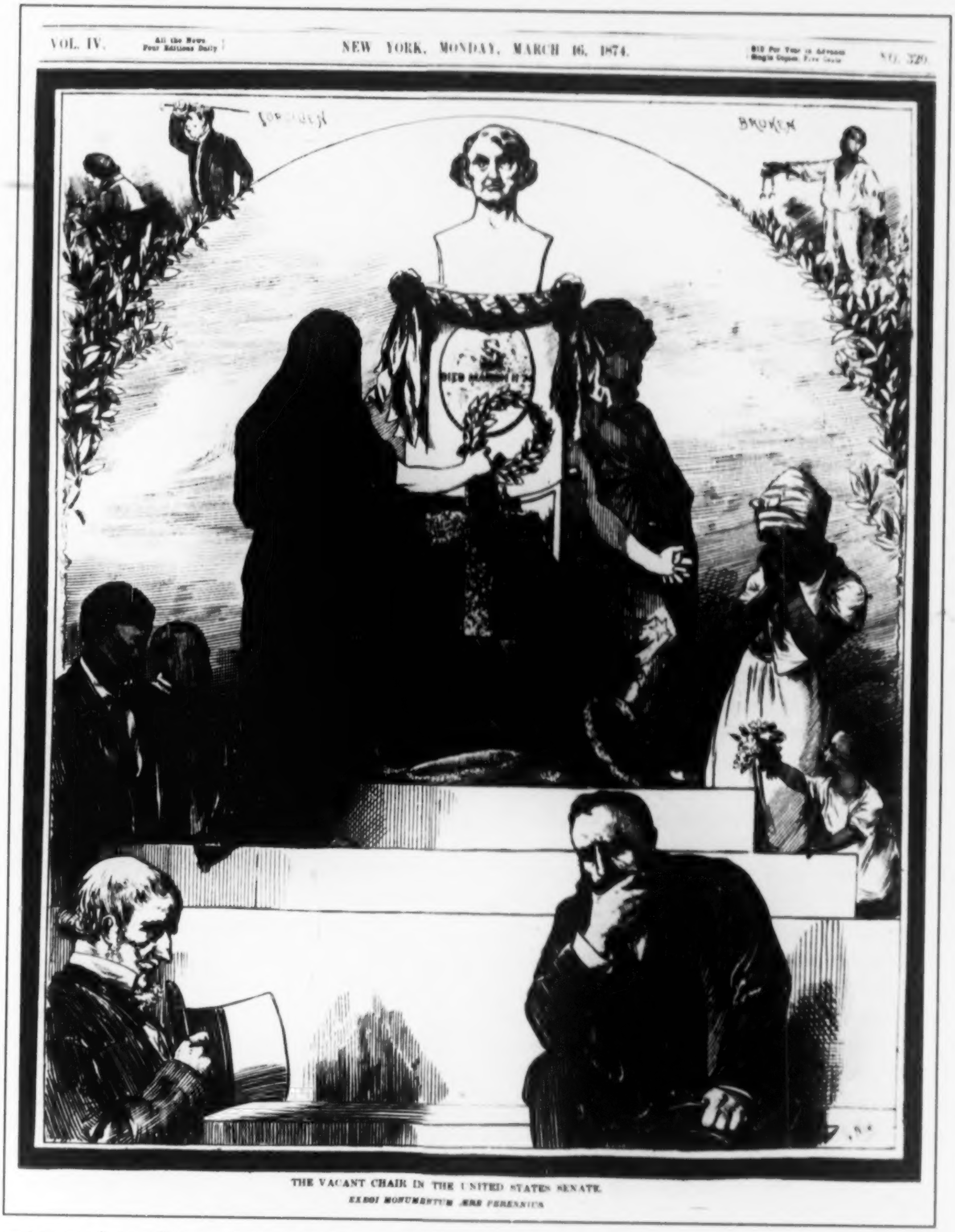
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THE VACANT CHAIR IN THE UNITED STATES SENATE.

EXEGI MONUMENTUM ÆRE PERENNIUS

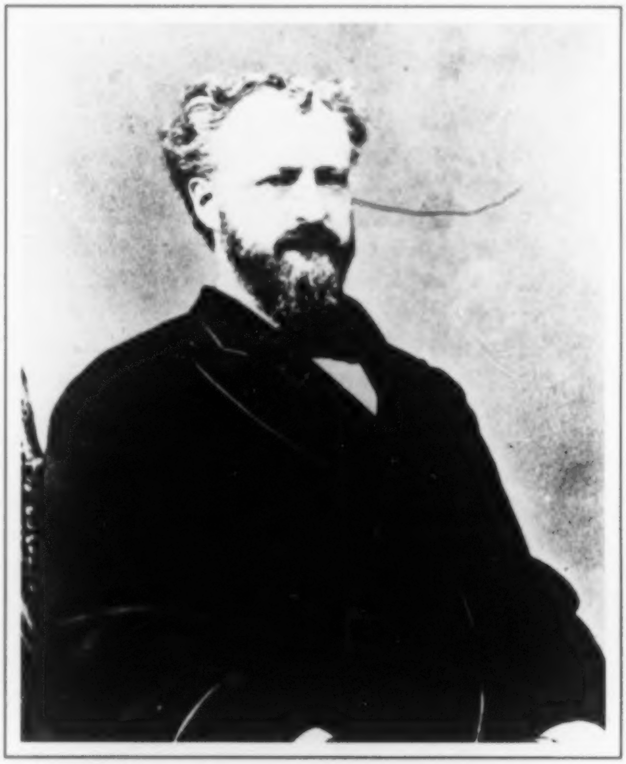
Upon his death in office in 1874, Charles Sumner, long the Senate's most outspoken champion of civil rights, was mourned throughout the nation.

Library of Congress

both agricultural goods and manufactured products. The tariff of 1875, in contrast, represented a protectionist victory and restored all duties to the level of the Morrill Tariff of 1861. This was largely a reaction to the panic of 1873 and the national depression that had followed.

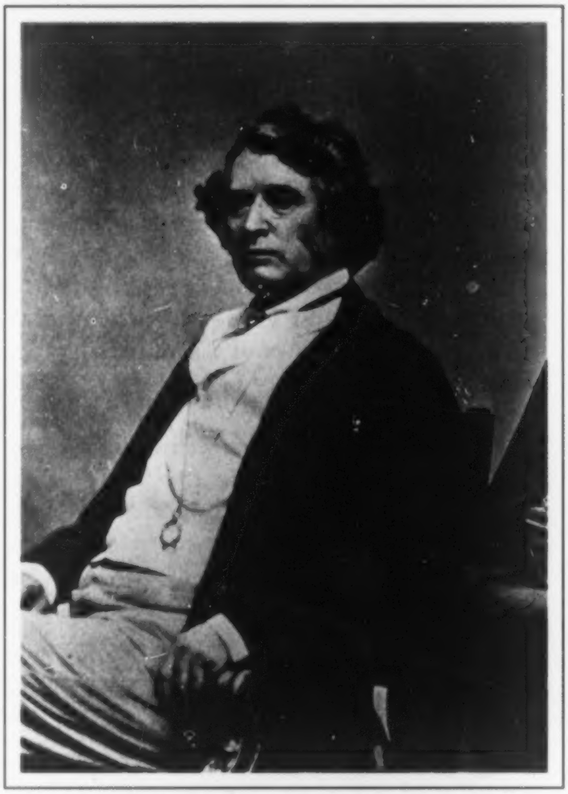
Any one of these issues might merit a speech in itself, but I do not wish to stray from the chief purpose of my remarks to tell the institutional history of the United States Senate and its many members. As a Democrat, I am, of course, interested in the careers of Democratic senators in the Gilded Age: men of the stature of Thomas Bayard of Delaware and Allen Thurman and George Pendleton, both of Ohio. I also realize, however, that any discussion of the Senate in the years immediately after the Civil War must of necessity be a discussion largely of Republicans. The Democrats during those years generally occupied the minority, almost as consistently as the Republicans would find themselves in the minority for the half century after the Great Depression of the 1930's.

The Republican party had achieved its first majority in the Senate with the secession of the southern states in 1861, and had remained in power due to its identification with the victorious side in the Civil War. The Grand Army of the Republic, that early veterans' organization of former Union soldiers, formed much of the support for the postwar Republicans, as vigorously as a special interest group or political action committee in current days. With the conclusion of the war, the Republicans lost some of their sense of meaning and purpose. Cracks developed in the party, and factions formed around particular leaders, sometimes representing differences in ideology or, more often, differences in personality.[19] The divisions within the Republican party during the Grant era encompassed many different personalities, but, for the purposes of describing their effects on the United States Senate, I should like to focus on two monumental figures: Senators Charles Sumner of Massachusetts and Roscoe Conkling of New York.


The political star of Roscoe Conkling of New York was rising as Charles Sumner's was setting.
Library of Congress

Sumner and Conkling represented two generations of Republican senators. In 1869, the fifty-eight-year-old Sumner could boast the longest period of continuous service of senators then serving. He had entered the body in 1851, and had risen to become a major force. In contrast, forty-year-old Roscoe Conkling was then serving in his first term in the Senate.

In the Capitol Building, there are three magnificent likenesses of Charles Sumner. A fine oil portrait hangs immediately outside the Senate chamber; above the chamber, outside the visitors' gallery, stands a marble bust



The elder Charles Sumner despised the brash young newcomers represented by Roscoe Conkling.
Library of Congress

of Sumner in Roman toga; and painted on the ceiling of Room S–118, now the Senate Democratic Policy Committee room, is a medallion of Sumner by Constantino Brumidi, commissioned at the time the room was occupied by the Senate Foreign Relations Committee, of which Sumner served as chairman. There are no busts or portraits of Roscoe Conkling in the Capitol, which is a shame. By all accounts—whether one hated or admired him—Conkling was a handsome and fascinating individual. Senator Thomas C. Platt described Conkling as a man "over six feet tall, of slender build, [who] stood straight as an arrow. . . . A curl, described as Hyperion, rolled over his forehead." He had an "Apollo-like appearance." Senator Chauncey Depew insisted that "Roscoe Conkling was created by nature for a great career." It was Conkling's own fault, Depew mused, that he missed it. "Physically he was the handsomest man of his time. His mental equipment nearly approached genius. He was industrious to a degree. His oratorical gifts were of the highest order." Parenthetically, the same description might just as accurately have applied to Charles Sumner.[20]

Senator Sumner was approaching the end of a long and notable political career in the Senate, while Roscoe Conkling was just beginning his. Conkling was an intensely ambitious man, most likely with his sights set on the White House. A young man in a hurry, he delighted in taking on, and crossing swords with, all opponents, and did not fear to tangle with the august Sumner. The two senators first clashed in April 1867, just months after Conkling entered the Senate. Republican Radicals, led by Sumner, wanted Congress to remain in session to continue the battle with President Johnson over Reconstruction. Republican conservatives, led by Conkling, pressed for adjournment. The two sides agreed to compromise by adjourning in April and reconvening in July, rather than waiting for the traditional December date for the next session of Congress. In July, however, the Republican caucus adopted a motion by Conkling, limiting Senate business to only those actions necessary to remove presidential objections to Reconstruction and, thus, defeating Sumner's plan for bold new programs to extend Reconstruction even further. Newspapers in many of the nation's major cities began to identify the young Senator Conkling as the new leader of the Senate.[21]

Senator Sumner expressed his annoyance with Conkling and his frustration over the caucus' action in an interview with a Boston newspaper reporter. He described Conkling as "a young man of admirable talents and with a great future, if he does not get shipwrecked at the beginning." In the same interview, Sumner complained about Conkling and other "new recruits" in the Republican party and warned that they were moving away from the party's traditional policies. The interview received considerable attention in the press, and further undermined Sumner's position in his party. The "new recruits" would retaliate against the senior senator by excluding him progressively from Republican policymaking.[22]

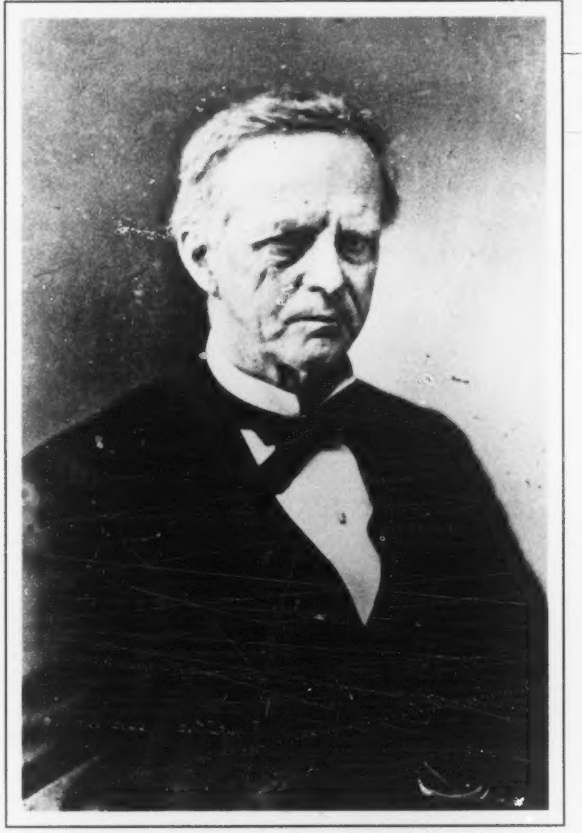
When Ulysses Grant entered the White House, the split between Sumner and Conkling widened further. Conkling avidly supported Grant and reaped his patronage. Sumner just as avidly opposed the president and reaped his enmity. As the leader of the Grant forces in the Senate, Conkling missed few opportunities to bait Sumner on the floor, no matter how minor the issue at stake. Conkling's witty barbs deeply wounded the vainglorious senator from Massachusetts. In private, Sumner attributed Conkling's vituperative style to his experiences in the House of Representatives, where such tactics were far more common in debate than in the Senate.[23]

Mr. President, the United States Senate has been the scene of tremendous political battles over the course of its nearly two hundred years of activity, but few were fought as fiercely, as vindictively, and as destructively as the battle amongst Roscoe Conkling, Charles Sumner, and Ulysses S. Grant. President Grant had a pet project to annex Santo Domingo (Dominican Republic and Haiti) to the United States. Grant was an expansionist who desired to extend American territory and influence; he saw the Caribbean island nation as choice territory. It was a frontier region with mineral resources ripe for development. In addition, Grant believed Santo Domingo would solve many of the South's problems. Just as the American West provided a chance for numerous Americans to start life over again as pioneer farmers, ranchers, and miners, so Santo Domingo would offer a haven for newly freed black citizens to migrate. Since the treaty of annexation would have to go through the Senate Foreign Relations Committee, which Sumner chaired, President Grant had paid an unusual personal visit at Sumner's home to solicit his support. Sumner, however, would not be moved. Annexation of Santo Domingo, he argued on the Senate floor, would mean the dissolution of one of only two black republics then in existence; and Sumner implied that a large and powerful nation was bullying a small, weak neighbor into extinction. As a result of Sumner's opposition, the Senate defeated the Santo Domingo treaty. That same day, Grant responded by recalling the American ambassador to Great Britain, John Lothrop Motley. Poor Motley had nothing to do with Santo Domingo, but he had been Sumner's candidate for the important diplomatic post, and the president removed him solely to spite the senator.[24]

Grant nominated Senator Frederick Frelinghuysen of New Jersey to replace Motley, but Sumner rose in objection to his colleague's nomination. Sumner argued not against Frelinghuysen but in favor of the luckless Motley. At that point, Roscoe Conkling rose to lead the Grant forces. Motley had been removed because he had failed to carry out the administration's policies, Conkling insisted. No, said Sumner, the only reason for the ambassador's dismissal was the treaty's defeat. Sumner had thus made himself the chief issue in the vote on Frelinghuysen's nomination. A vote for Frelinghuysen would now be a vote against Sumner. Senate Republicans lined up solidly with the president and overwhelmingly confirmed Frelinghuysen's nomination. Sumner declined to vote, and only three Republicans voted on his side.[25] Having won this vote, however, Senator Frelinghuysen then withdrew, claiming that he preferred to have his children educated in this country.

As a result of Sumner's intransigence and the erosion of his support in the Senate, Grant's supporters decided to remove the Massachusetts senator from his prestigious post as chairman of the Foreign Relations Committee. This was obviously a significant matter. Not since the Democrats had taken the chairmanship of the Committee on Territories away from Stephen Douglas in 1858 had a Senate committee chairman been deposed. In taking such an action, Senate Republicans would be repudiating one of the most nationally prominent members of their party. But relations between the president and the Foreign Relations Committee chairman had become so strained that Grant's aides spread the word that "Mr. Sumner must leave the Committee." [26]

Charles Sumner proved to be his own worst enemy, undermining his position in his battle with Grant by his intemperate remarks. Having defeated the president's treaty, he simply could not rest easy as a gracious victor. He perceived a renewal of the Santo Domingo battle in every presidential message and accelerated his verbal assaults on the chief executive. On December 21, 1870, Sumner delivered his powerful "Naboth's Vineyard" speech, after a biblical allusion to a king who coveted his humbler neighbor's vineyard. As Sumner's biographer, Professor David Donald, has written, "Indeed, the verbal excesses of Sumner's oration strengthened the Republican faction hostile to him, and, as the debate continued all night, both their power and their vindictiveness became evident." In this debate, no one was more severe in his response to Sumner than was Roscoe Conkling. "No sane man," Conkling charged, "no man of common sense, not maddened by passion or blinded by bigotry or hate" could have made such charges against the president.[27]



Though previously foes, Lyman Trumbull of Illinois spoke in support of Charles Sumner in 1871.
Library of Congress

Conkling now aimed his final salvo: "The time has come when the Republican majority here owes it to itself to see that the Committee on Foreign Relations is reorganized and no longer led by a Senator who has launched against the administration more bitterness than has proceeded from any Democratic member of the body." So it was that, when the first session of the Forty-second Congress opened on March 4, 1871, the Republican Committee on Committees voted 3 to 2 to remove Sumner as Foreign Relations Committee chairman. They recommended that Sumner become chairman of the new

Committee on Privileges and Elections. When the Republican caucus debated this proposal, Sumner fought against it vehemently but was overwhelmed. The caucus adopted the committee's recommendation, 26 to 21. The debate was then carried to the Senate floor. Sumner asked to be excused from service on the new committee but took little part in the debate over his removal from the chairmanship. Sumner's friends stood up for him, none more eloquently than Lyman Trumbull of Illinois. His remarks were particularly poignant: [28]

> I am not the special friend of the Senator from Massachusetts. He and I, during our long course of service here, have had occasions to differ, and differ, I am sorry to say, unpleasantly. But, sir, that will not prevent me from trying to do justice to the Senator from Massachusetts. I stood by him when he was stricken down in his seat by a hostile party, by the powers of slavery. I stand by him today when the blow comes, not from those who would perpetuate slavery and make a slave of every man that was for freedom, but comes from those who have been brought into power as much through the instrumentality of the Senator from Massachusetts as of any other individual in the country.

And here in the speech, the *Congressional Globe* noted "symptoms of applause in the galleries." If support for Sumner in the galleries was only tepid, so was his support on the Senate floor. That day the Senate voted 33 to 9 to adopt the committee list as moved, with 25 senators, including Sumner and his friends, abstaining from the vote. Charles Sumner's leadership in American foreign policy had ceased.[29]

Newspapers across the country bemoaned Sumner's fate. "The Nation is Humiliated," wrote the *New York Sun.* Sumner's downfall reflected poorly on his enemies as well as himself. Young Henry Adams, grandson and great-grandson of presidents, historian, and observer of the Washington scene, commented acidly, "Great leaders, like Sumner and Conkling, could not be burlesqued; they were more grotesque than ridicule could make them." [30]

The Sumner incident diminished the image of the Senate as did so many other incidents during that period, and the public's opinion of the legislative branch, indeed, the entire federal government, declined sharply. In 1872, for instance, the Crédit Mobilier scandal broke when the *New York Sun* charged Vice President Schuyler Colfax, Senator Henry Wilson, Senator James Patterson, and numerous members of the House of Representatives with having received stock in the Crédit Mobilier corporation in return for their support for government subsidies to the Union Pacific Railroad; and this at a time when the Crédit Mobilier corporation was contracting for the railroad's construction. Two representatives, Oakes Ames of Massachusetts and James Brooks of New York, were censured by the House for their role in the scandal. The Senate considered expelling Senator Patterson, but did not act, since his term was about to expire. The scandal ruined many more politically, and shook the public's confidence in its leaders.[31]

The outgoing third session of the Forty-second Congress, in February and March 1873, added to the public outrage: first, with the demonetization of silver, the Crime of '73, that I mentioned earlier; and then with the infamous "Salary Grab" Act, passed on the last day of the lame-duck session. The Salary Grab deserves some special attention, if only because the controversies surrounding congressional salaries remain with us today. For almost the first sixty-eight years of the history of Congress, senators and representatives did not receive a yearly salary, but were paid six to eight dollars for each day Congress was in session. In 1856, an annual salary of three thousand dollars was established, and raised to five thousand dollars in 1866, in recognition of the inflation of the currency during the Civil War.[32] In 1873, members of the Senate continued to draw just five thousand dollars a year, even though, as one senator commented, "the services of a competent cashier of a bank or president of an insurance company cannot be secured short of a salary of $10,000 a year." At that time, most members of the Senate were wealthy men who did not depend upon their government salaries to support them. But there were others who felt hard pressed by their limited salaries. We may detect a note of jealousy beneath the sarcasm of Senator Matthew Carpenter's observation about constituents visiting Washington:

> When they come here and ride by the mansions of my honorable friends from Vermont [Mr. Morrill and Mr. Edmunds] up on the Circle, see their elegant houses, brilliantly lighted, surrounded by acres of pavement, parks, fountains, etc., all built at the expense of the nation; see them giving levees and receptions; and if they ride by the place of my honorable friend from New Jersey and see his magnificent way of living, and then come to the homes of the "poor white trash" of this Senate and find their own senators among them, they will not like that. They have their pride; and expect to find their senators living like other senators.[33]

Thus, on March 3, on the final day of the Forty-second Congress, the Senate joined the House in voting to increase their salaries from five thousand to seventy-five hundred dollars a year. Had they stopped at this, there would have been criticism, surely, but not the storm that broke upon them when they acted to make the pay raise retroactive for the entire two years of the Congress; thus, each member got an additional five thousand dollar windfall. President Grant signed the Salary Act, doubling his own salary in the process. The reaction was so intense and outraged over this "back-pay steal," that many members felt compelled to turn back their five thousand dollar back pay or donate it to charity. Nevertheless, the Salary Grab was a blot upon the Congress, and, particularly, its Republican majority.

In the various 1873 noncongressional state elections, Democratic candidates scored numerous upset victories against incumbent Republicans, and the Forty-third Congress, reading the handwriting on the wall, was quick to repeal the higher salaries. Only members of the Senate and the House of Representatives suffered by this action, since, under the Constitution, the Congress cannot reduce the salaries of the president and federal judges; but cut their own pay they did, back to five thousand dollars, where it remained for the next thirty-four years. Not until 1907 was the salary raised to seventy-five hundred dollars.

When we look back upon the Senate in the Gilded Age and regret the folly, corruption, and backbiting personality clashes that marred its record and its public image, we must, of course, take into consideration the general atmosphere of the times. It was in 1871, for example, that the Tweed Ring was exposed for having plundered the treasury of the city of New York, and, in 1872, that "Boss" William Marcy Tweed was convicted and sentenced to prison. There was corruption in many of the Reconstruction governments in the South, and in the "Redeemer" governments that succeeded them. Business ethics had fallen to appalling levels in that get-rich-quick era, symbolized by the destructive battles of Jay Gould, "Jubilee Jim" Fisk, and Commodore Cornelius Vanderbilt to take over the Erie Railroad. It was a particularly sordid chapter in American business history. And there was the corruption associated with the Grant administration. In 1875, for example, came revelations of a "whiskey ring" of United States revenue officials defrauding the government of internal revenue taxes, a scandal which involved the president's personal secretary, Orville Babcock. In

1876, the House of Representatives investigated Secretary of War William W. Belknap, who had been taking bribes for the sale of trading posts in Indian territory. The House voted to impeach Belknap, but the Senate declined to convict him because he had, by then, resigned from office.[34]

It was as a result of these sordid revelations that the Republicans began to lose the solid majority in Congress they had enjoyed since the Civil War. In the House, the Democrats steadily gained seats, until they captured the majority in the Forty-fourth Congress. In the Senate, during these years, the Democrats increased their numbers from eleven in 1869, when Grant took office, to twenty-nine in 1877, when he left. By 1879, the Democrats would, at last, take over the Senate majority. This was, in fact, a period of great political instability. From the 1870's through the turn of the century, it was commonplace for the legislative and executive branches to be held by different parties.

The federal government was in just such a divided state as the nation approached the election of 1876. The Democrats held the House, the Republicans held the Senate. Vice President Henry Wilson had died, just off the floor of this chamber, in the Vice President's Room, in November 1875, and Senator Thomas Ferry of Michigan was presiding over the Senate as president pro tempore. Instead of the war hero who had carried them to victory in the last two elections, the Republicans had nominated the little-known reform governor of Ohio, Rutherford B. Hayes, as their compromise candidate for president. Democrats had nominated New York Governor Samuel J. Tilden, who had won a reputation for honesty and reform in his battle against the Tweed Ring.

The presidential election promised to be a close one, and Republicans worried that, should the election not be decided in the Electoral College, the Democratic House would choose the next president. The tide, after the Grant scandals, was clearly in the Democrats' favor. And on election night, in 1876, it seemed clear that the Democratic candidate had won. Even the staunchly Republican *New-York Tribune* carried the headline, "Tilden Elected."

But was Tilden elected? Of course, we know that Samuel J. Tilden never occupied the White House. How this came about, and the role that the United States Senate played in deciding the election of 1876 and the future of Reconstruction in the South, will all be the subjects of my next address on the Senate's history.

CHAPTER 17

The Gilded Age Tarnishes 1877-1884

July 22, 1983

Mr. President, late in the afternoon of March 1, 1877, the regular Pennsylvania Railroad run to the city of Washington added two special cars at the Columbus, Ohio, yards. A large crowd gathered at trackside to hear their former governor's farewell address as he headed off to the East to become president of the United States. Cheers from the edge of the crowd announced the arrival of Rutherford B. Hayes. Smiling through his full beard, he doffed his hat and spoke briefly on national unity.[1]

As the train pulled out of the station, Hayes waved and bowed—a performance he would repeat again and again at stops along the way to Washington. It was all part of the American tradition of bidding a private citizen farewell as he goes off to assume the highest office in the land. The circumstances surrounding this particular trip, however, were unique in American history. As yet, the facts did not support Hayes' and his fellow Ohioans' calm assumption that he was president.

My last address on the history of the United States Senate ended with the results of the November 1876 presidential election still in doubt. Between that cold autumn and the late winter day when Hayes stepped aboard the train in Ohio, there unwound the most tortuous tale in American election history—one that involved the Senate more closely in the selection of a president than any before or since.

On election night, in November, the headline of the *New-York Tribune* proclaimed "Tilden Elected." And, indeed, it looked as though Samuel J. Tilden had carried enough northern states, along with the "solid South," to make him the first Democratic president since the Civil War. At Republican headquarters, former Michigan Senator Zachariah Chandler, party chairman, wrote the day off as a loss and went to bed. However, a flurry of telegrams between Democratic leaders, worried over the returns from Oregon and the three states still under Reconstruction governments—Florida, Louisiana, and South Carolina—raised the suspicions of a Republican newspaper editor who hurried to wake Chandler from his sleep.

When the Republicans reexamined the situation, their hopes revived. Tilden had received 4,288,546 popular votes and 184 undisputed electoral votes, one short of the 185 required to win. Hayes had won only 4,034,311 popular votes and 165 electoral votes. Together, Oregon, Florida, South Carolina, and Louisiana controlled 20 electoral votes. If every one of these votes were counted as Republican, Hayes would win, 185 to 184.[2]

Both sides immediately claimed the disputed votes and charged their opponents with fraud and corruption. Democrats claimed that federal troops had influenced the voting in the South. Republicans countered that the Ku Klux Klan and other "night-riders" had intimidated many freedmen from casting their ballots. Each party sent "visiting statesmen" to inspect the returns. The House and Senate, controlled by Democrats and Republicans, respectively, conducted investigations that exposed ballot tampering on both sides.

As Hayes' train sped eastward, and the traditional date for inauguration loomed only three days away, the final outcome of the election still remained uncertain. The decision rested in the hands of the five senators, five representatives, and five Supreme Court justices who made up the Electoral Commission created by Congress to try to unravel the tangled mess after all other means had failed.

When the Electoral College had met in December, Tilden was, as the Republicans gleefully surmised, one vote short of victory. The disputed states sent two sets of certificates: outgoing Republican governors had certified the Hayes electors, while incoming Democratic governors had certified those for Tilden.

The Constitution provided only that "the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." But who should decide *which* votes to count? Republicans believed that the president of the Senate should decide. And, since Vice President Henry Wilson had died that fall, the task fell to the president pro tempore, Senator Thomas Ferry, an ardent Republican from Michigan. The outcome, under such a plan, was obvious and unacceptable to the Democrats, who argued that the determination should be made by concurrent majorities in the House and Senate.

Tension mounted amid threats of violence and renewed civil war. The House and Senate gingerly took steps to defuse the crisis and appointed committees to meet jointly in search of a peaceable solution. Finding no constitutional precedents, they finally adopted a proposal to create a special fifteen-member Electoral Commission composed of members of the Senate, House, and Supreme Court to decide which of the sets of votes to accept. The Senate would send three Republicans and two Democrats; the House, three Democrats and two Republicans. The Supreme Court designated two Republicans and two Democrats, who, in turn, would elect a fifth independent member.[3]

The Senate Republicans were George F. Edmunds of Vermont, Oliver H.P.T. Morton of Indiana, and Frederick Frelinghuysen of New Jersey. The Democrats were Thomas F. Bayard of Delaware and Allen G. Thurman of Ohio. These five men played an important role in our history and merit a bit closer scrutiny.[4]

During his first decade in the Senate, Edmunds was considered one of the ablest constitutional lawyers in the Congress. One of his colleagues remarked that, if led blindfolded into the Senate chamber, he could tell at once, from the nature of the business under discussion, whether or not Edmunds was in his seat. When he was absent, members usually tried to rush through the petty jobbery which they were reluctant to submit to his merciless sarcasm.[5]

Morton's history-minded parents had named their son Oliver Hazard Perry Throck Morton. His strenuous war work, as governor of Indiana, resulted in a stroke which left his body paralyzed but his mind undimmed. Since entering the Senate in 1867, he had distinguished himself by his fanatical devotion to the Republican party and his intolerance of opposition. With his black hair, mustache, and chin whiskers, Morton was a dramatic sight in the chamber, where he delivered bitter diatribes either from his wheelchair or supported by canes.[6]

Frelinghuysen represented an old and distinguished New Jersey family which has sent five members to Congress, one of whom I served with in the House of Representatives several years ago. When Frederick Frelinghuysen arrived in the Senate in 1866, he threw himself into the campaign to impeach President Andrew Johnson.

The Bayard family of Delaware surpassed the Frelinghuysens by sending six members to Congress. Democrat Thomas Bayard—son of, and father of, a senator—was strikingly handsome and over six feet tall. Though always in the minority, he had cut a wide swath in the Senate since he had arrived in 1869.[7]

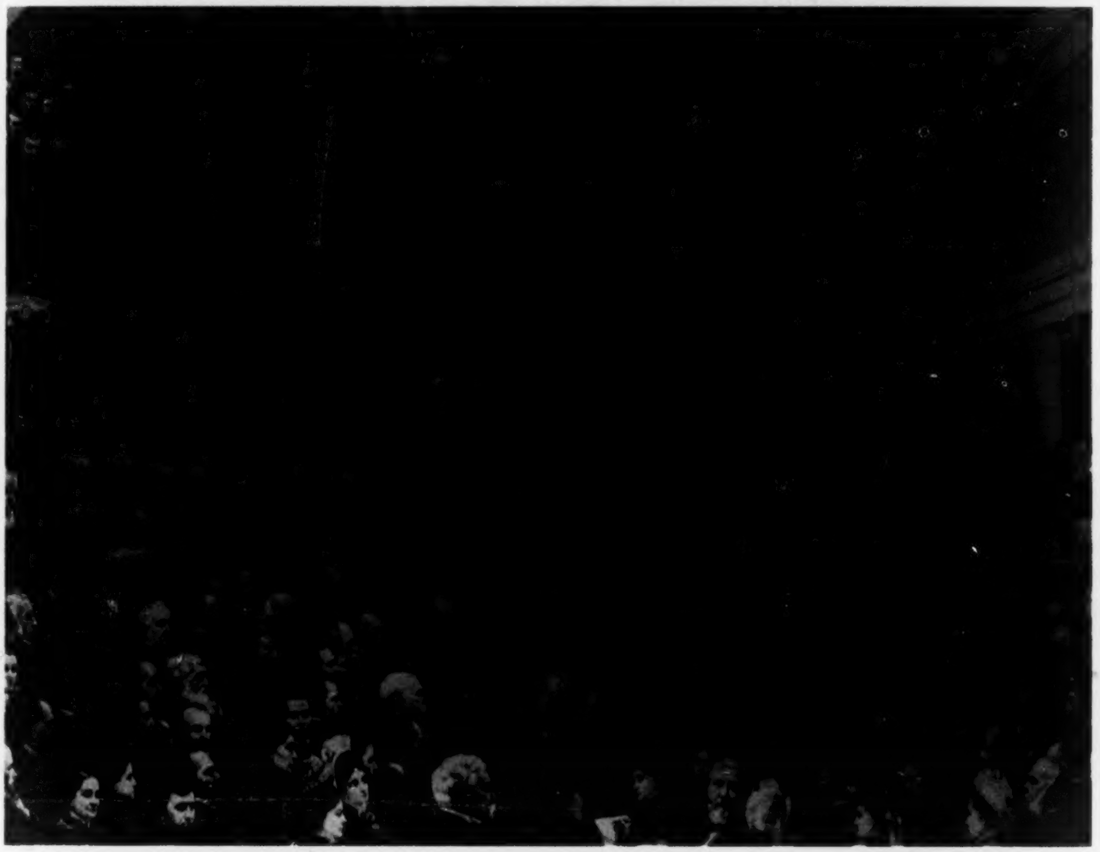
Democratic Senator Allen Thurman knew well the man he was determined to keep from the presidency. He had run against him for the governorship of Ohio in 1867 and lost by fewer than three thousand votes. The Democratic state legislature had sent him to the Senate as a consolation prize.[8]

Since the party affiliations of the senators, representatives, and four of the justices were clear, all eyes focused on the fifth justice. Republicans and Democrats assumed that David Davis, an independent acceptable to both sides, would be chosen. (Davis loomed large on the scene in more ways than one—he weighed over three hundred pounds and required a special seat when he came to the Senate.) However, the Illinois legislature, at the last minute, elected Justice Davis to the Senate, and he resigned from the Court. The Supreme Court members chose Justice Joseph R. Bradley, a Grant appointee, as their fifth commission member.[9]

On February 1, 1877, with the galleries packed and lines of spectators stretching out onto the Capitol's east front plaza, the Senate and House met jointly for the electoral count. Senator Ferry read alphabetically through the list of states until he reached Florida. Florida's disputed certificates were referred to the Electoral Commission, which opened public hearings the same afternoon in the Supreme Court chamber directly down the hall from this chamber. (The Supreme Court had moved into the old Senate chamber when the Senate moved to this chamber in 1859.)[10]

One can imagine the tension in that room! Three months had passed since the election, and still, the country had no president-elect. Vast responsibility rested on the shoulders of the commissioners. The nation was watching. Indeed, it must have seemed to the commissioners as if the whole republic was trying to crowd into the chamber, which was quickly packed from wall to wall with legislators, cabinet members, and men and women of Washington society.

The Senate owns a large, dramatic painting that captures this important event. Painted by Cornelia A. Fassett in 1879, and entitled *The Electoral Commission of 1877*, it hangs above us on the third floor in the east corridor as a reminder of those momentous days. The chamber with its crimson curtains is filled to overflowing. One can almost hear the hum of tense conversation from the dozens of personalities represented. There sit the five senators on the Electoral Commission: the bearded Thurman; Bayard, taking notes; Frelinghuysen, listening intently; Morton, with his elegant mustache; and the somber Ed-



The Electoral Commission of 1877, by Cornelia A. Fassett, depicts a moment of high drama in the ornate Supreme Court chamber, formerly the Senate chamber. *Architect of the Capitol*

munds. Above them, reporters scribble and strain to catch every word.

The men and women who filled the chamber expected high drama and great oratory, and they were not disappointed. In their opening statements, counsels for the two parties established their major themes. Speaking for the Democrats, Representative David Field insisted that a great moral issue was at stake: "whether or not the American people stand powerless before a gigantic fraud." Citing evidence of corruption and voting irregularities, he urged the commission to investigate the circumstances behind the Republican electoral certificates. "Here is the certificate," cried Field, "one feels reluctant to touch it. Hold it up to the light. It is black with crime. Pass it around; let every eye see it; and then tell me whether it is fit to bestow power and create dignity against the will of the people." [11]

Responding for the Republicans, former United States Attorney General William M. Evarts argued that the commission had no such power to conduct an investigation and must accept the Republican certificates as official and legitimate. The commission, Republican Representative John Kasson reminded the Democrats, was an extension of Congress, rather than a court. In his judgment, it was, therefore, limited to the powers of Congress.

As the commission advanced, it became clear that the decisive vote would be Justice Bradley's. Those who spoke with him found that he wavered between the two candidates. But, on February 7, 1877, after two days of closed-door meetings, Bradley cast his vote with the seven other Republicans not to investigate evidence beyond that submitted with the electoral certificates. Bradley joined with the Republicans to accept the Hayes electors from Florida on February 9. The same 8 to 7 vote, always along strict party lines, gave Oregon to Hayes on February 13, Louisiana to Hayes on February 16, and South Carolina to Hayes on February 27. By the findings of the Electoral Commission, Rutherford B. Hayes received 185 electoral votes to 184 for Samuel J. Tilden.[12]

Angry Democrats in the House sought to further delay the final electoral count, but more conservative men on both sides were tired of fighting. As C. Vann Woodward recounts in his book *Reunion and Reaction,* these cooler heads prevailed, and, from their quiet maneuverings, there emerged the magic word "compromise." Significant concessions by Republicans to southern Democrats regarding patronage, internal improvements, the withdrawal of federal troops, and the end of Reconstruction finally assured their candidate's election.

After long and heated debate, in the early morning hours of March 2, sleepy pages and messengers scattered through the Senate cloakrooms and committee rooms awakening senators to assemble for a procession to join the representatives in the House chamber. The murky predawn light fell on men with worn faces, their clothes rumpled from sleeping in unaccustomed postures and places. At 4:00 a.m., they heard Senator Ferry officially proclaim Rutherford B. Hayes president of the United States.[13]

Hayes' train was gently rocking through the night on its way toward Washington. Near Harrisburg, Pennsylvania, it took on a telegram announcing the final vote. An eager aide read the news to Hayes through the door to his compartment. "I hear you," whispered Hayes. "Don't wake up everybody in the car. Good night." [14]

The crisis over, Republican Representative James A. Garfield of Ohio proclaimed, "God reigns and the government at Washington still lives." By 1877, after having endured years of turmoil over slavery, the Civil War, Lincoln's assassination, the impeachment of Andrew Johnson, Reconstruction, the Grant administration's endless scandals, and the recent election crisis, many Americans felt it was a miracle that they had survived. The nation looked forward to the period of peace and stability promised by the respectable figure of Rutherford B. Hayes.[15]

In many respects, the last years of the nineteenth century are the lost years of United States history, recalled only as the aftermath of Reconstruction or the prologue to progressivism. On its surface, the era may seem distant, its politicians bland, the issues uninteresting, but, in fact, during these years, the nation made its first efforts to grapple with the problems created by a gigantic surge of industrialization, and its emergence as an international power. Tariff protection, free silver, and civil service reform may sound archaic, but, seen in their twentieth-century guise as reciprocity, inflation, and bureaucracy, they are very much alive. Rather than as an era of spoilsmen and Tweedledum-Tweedledee politics, the era is better understood if taken as part of what historians have come to call the American "search for order."

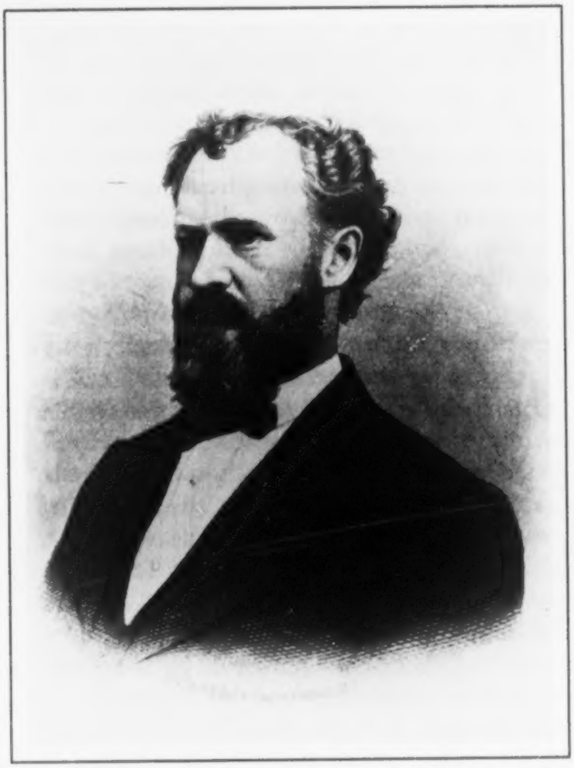
As I noted in past addresses on the history of the Senate, the years immediately after the Civil War were ones of weak presidents and strong congresses. Senators agreed with their colleague John Sherman of Ohio that "the executive department of a republic like ours should be subordinate to the legislative department." [16] Within the "legislative department," it was in the Senate—with its longer terms, continuity of membership, opportunities for lengthy debate, clublike committee system, well-known members, and, above all, its hold over patronage, appointments, and removals—where the greatest power resided.

Some of the most powerful political bosses of the most intricate state machines directed their empires from seats in this chamber. Cunning Simon Cameron, who ruled Pennsylvania with an iron hand, left the Senate in March 1877, only after insuring that his son, J. Donald Cameron, would succeed him. Two senators shared the title of ultimate political boss. The greatest influence, at first, was Morton of Indiana. His province was the southern states, the Reconstruction governments, which he packed with loyal northern jobseekers and despoilers. His principal rival, who eventually superseded him, was Roscoe Conkling of New York, six feet three inches and enormously vain, who kept trim by boxing. Conkling ruled a vast army of wardheelers and hacks. His principal power base was the more than one thousand jobs and enormous booty of the New York Customs House, presided over by his top henchmen, Chester Arthur and Alonzo Cornell.[17]

Closely rivaling the power wielded by Morton and Conkling were other Senate bosses. For example, there was horse-faced Zach Chandler of Michigan, who returned to the Senate in 1879. One of the few independently wealthy spoilsmen, Chandler controlled hordes of collectors, postmasters, and other state and federal jobholders while he lived above the fray, entertaining like a potentate in his Washington mansion. John "Black Jack" Logan of Illinois controlled a machine that sold every form of political job and favor. Debonaire Matthew Carpenter of Wisconsin, John P. Jones of Nevada, and Aaron Sargent of California also wielded enormous power in their states.

As early as 1871, a reform movement of liberal Republicans, led by Senator Carl Schurz and by former Senator Benjamin Gratz Brown, both of Missouri, began to talk of a civil service to end the corruption of the patronage system on which the boss system thrived. Criticism of the professional spoilsmen increased under Hayes, fueled by a growing group of political reformers derisively known as the "mugwumps." During the 1876 campaign, both Hayes and Tilden promised civil service reform. Hayes made good on his promises by naming a strong cabinet, including William Evarts as secretary of state and Senator John Sherman as secretary of the treasury. Zach Chandler and the other Republican party bosses were shocked when Hayes named Schurz, whom one contemporary claimed looked like "Mephistopheles with eyeglasses," as secretary of the interior.[18]

Urged on by Sherman, who had ties to businessmen tired of paying tribute to the New York Customs House, Hayes launched an investigation of Conkling's machine. The resulting report, submitted in May 1877, laid bare an overwhelming record of graft and corruption presided over by Conkling's lieutenants, Arthur and Cornell. Hayes waited for a month before acting, then issued an executive order prohibiting government officials from taking part "in the management of political organizations, caucuses, conventions, or electoral campaigns," and barring the assessing of government jobholders for political purposes. Arthur and Cornell were charged with "laxity" rather than actual criminal activity, and informed that their resignations were requested.[19]



Senator Roscoe Conkling of New York clashed with President Hayes over patronage. *Library of Congress*

Onlookers held their breath while waiting for the other shoe to drop; for Hayes had thrown down the gauntlet to the lordliest boss of them all, Roscoe Conkling. The subject of miles of newspaper coverage, Conkling was the chief ornament of a gaudy era's public life.

Conkling's initiation into politics came early; his father and older brother had served in the House of Representatives. His Republican credentials were also sound. A representative from 1859 to 1867, except for one term in 1863–1865, he was a staunch war Republican and Radical, and earned a reputation for rigid party allegiance and cutting invective. He summed up his party philosophy in this way, "I do not know how to belong to a party a little." [20]

The public knew Conkling more as a personality than a politician, and he assiduously cultivated their attention. Tall and graceful, with a golden beard and auburn hair, he wore a single Hyperion curl dangling carefully down his handsome forehead. On the Senate floor, Conkling was a veritable bird of paradise amidst a barnyard of drabber fowl. While his colleagues favored black, Conkling sported green trousers, scarlet coats, gold lace, striped shirts, and yellow shoes. Though charming when necessary, arrogance more often characterized him. On many mornings, enveloped in a cloud of expensive cologne, he strode scowling to his seat, amid the adoring sighs of the ladies in the galleries, and nodded curt thanks for the baskets of roses they often sent to his desk. If he condescended to send a note to one of the women above, he did so on lavender paper in mauve ink; and, when he needed a page to deliver it, he clapped his hands imperiously like a Roman senator. Conkling did not walk; he swaggered. James G. Blaine of Maine gained his eternal enmity by once mocking him for his "turkey gobbler" strut. Foes sneered at "the curled darling of Utica," but Conkling dismissed their criticism as envy.[21]

Conkling often regaled friends with lampoons of "snivel service reform." Now, he marshalled his forces to thwart the president, who did not seem to know his place. Counseling Arthur and Cornell not to resign, Conkling left for a European vacation, certain that Hayes would back down. Upon his return in August 1877, however, he was surprised to find the matter still very much alive. He learned that, when the Forty-fifth Congress convened in October, Hayes intended to send the Senate the nominations of two businessmen to replace his cronies.

Conkling was livid with rage over this challenge to his authority. At the state Republican Convention in September, he lashed out at all reformers and at the administration. He poured contempt on "the dilettanti and carpet-knights of politics, men whose efforts have been expended in denouncing and ridiculing and accusing honest men. . . . Their vocation and ministry is to lament the sins of other people. Their stock in trade is rancid, canting self-righteousness. They are wolves in sheep's clothing." Even his friends worried that Conkling had gone too far this time.[22]

Hayes fired the next shot. As Conkling knew he would, Hayes sent his nominations to Capitol Hill in October. By naming moderate Republicans, not reformers, to the Customs House posts, he hoped to mollify Conkling, but Conkling was in no mood for compromise. After much blustering and fuming, his Commerce Committee unanimously rejected the nominations. Appealing to "senatorial courtesy," Conkling urged the full Senate to stand behind him. On December 12, after issuing threats, cashing in political IOU's, and invoking the "dignity of the Senate," Conkling whipped enough colleagues into line to defeat Hayes' nominations, 25 to 31.[23]

Conkling savored the victory, little noting how much it had cost him. Unbowed, Hayes confided to his diary, "I am right, and shall not give up the contest." The nation agreed with the president. At Christmastime, vacationing congressmen found constituents disgusted by the Senate's actions. With issues like free silver and spreading economic depression to contend with, they asked if senators didn't have more important things to do than quarrel over customs houses.[24]

Hayes bided his time until July 1878. Then, after Congress adjourned and Conkling and his friends dispersed, he suspended Arthur and Cornell and made interim appointments. In December, he again sent his nominations to the Senate. Conkling stormed about the committee rooms and corridors but was running scared. Sherman, on the president's behalf, made promises and pulled wires, aiming for the votes of Republican senators tiring of Conkling's diatribes. On February 3, 1879, enough of them joined with Democrats to approve the nominations. Conkling sulked, but would be heard from again.[25]

Hayes' triumph was a serious blow to Conkling and the oligarchical bosses, but the victory had extracted a high price. The Republican party was left torn into three pieces: there were the administration's adherents; Conkling's "stalwarts"; and the "half breeds," who stood between them and increasingly looked to Senator James G. Blaine for leadership. In the elections of 1878, this loss of cohesion and prestige among the Republicans combined with other elements to give the Democrats control of both houses for the first time since the Civil War.

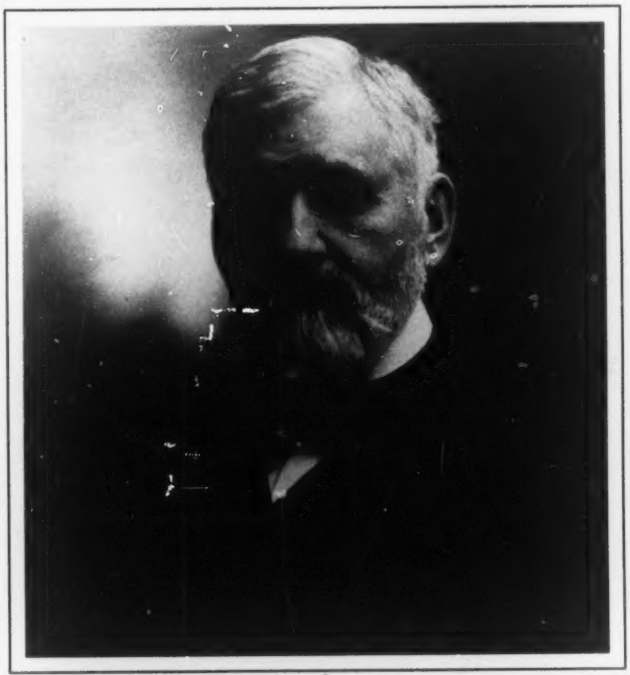
The fight over the New York Customs House and all it represented was sharp and important, but the general public had other worries that found their way into the Senate chamber. The primary issues were economic ones and centered around the questions of silver and greenbacks.

Though Hayes and John Sherman, "The Ohio Icicle," were determined to maintain the gold standard to assist business, the continuing effects of the depression that had begun in 1873 increased agitation among farmers, workers, and debtors for an inflated currency of silver as well as greenbacks. In 1875, the uniting of agricultural interests with the silver-mining advocates of the West into a loosely organized party known as the Greenbackers had helped give Democrats control of the House. In December 1876, the House passed a bill introduced by Missouri Democrat Richard Bland for the free and unlimited coinage of silver and the end of the Coinage Act of 1873, which had demonetized silver, making gold the monetary standard. The Republican Senate quashed the measure.[26]

To the Republicans' dismay, in the fall of 1877, the House again passed Bland's bill. The party was badly divided on the issue. Party leaders feared that enough Republicans would join Democrats to muster the votes to pass a silver bill over a presidential veto. Hoping to prevent matters from getting out of hand, Sherman enrolled William B. Allison of Iowa, the astute and influential Republican chairman of the Senate Finance Committee, to try to work out a compromise that would appease both sides.

Allison, a quiet politician's politician, would, in time, become one of the most powerful men in the Senate. Forty-eight years old, a short, stocky man with a spade beard, always meticulously dressed, he had entered the House in 1863, and ten years later began what would be thirty-five years of service in the Senate. A conciliator and compromiser, who faced the constant possibility of a voter revolt in Iowa, he believed in reasonableness, and worked constantly behind the scenes to smooth quarrels and bring opponents together. His air of caution led some to maintain that he never ventured an opinion of his own. "I always like to vote, if I can," he said, "so as not to be called upon to explain too much at home." "He was so pussy-footed," said a Senate colleague, "he could walk from New York to San Francisco on the keys of a piano and never strike a note." [27]

Allison worked through the winter to amend Bland's bill, eliminating the features most opposed by eastern moneyed interests but allowing a controlled silver coinage. After passing both the House and Senate in mid-February, the Bland-Allison Act went to the White House. President Hayes vetoed the bill and sent it back. Congress was angry. The House overrode the veto, 196 to 73. A messenger brought the bill to the Senate, which followed suit, 46 to 19. The bill was law just hours after leaving the president's desk.[28]



Senator Allison's conciliatory approach brought about passage of the Bland-Allison Act.

Library of Congress

Whatever its economic aspects, the Bland-Allison Act was good politics. In effect, the Republicans got credit for helping silver and favoring moderate inflation, and, yet, managed to keep their conservative business constituency placated. It was an especially effective move in the Midwest, which had critical votes for 1880, where it blunted the edge of "greenbackism," though the Greenback party won fourteen House seats in the November congressional elections. The controversy rounded out a year of strained relations between Congress and the president. To his diary, Hayes confided, "The year, if I think of the scenes through which I have passed, seems an age." [29]

Hayes called the Forty-sixth Congress into session early, on March 18, 1879, to tend to

William Mahone, a Virginia Independent, cast his tie-breaking vote with the Republicans.
Library of Congress

legislation left dangling at the end of the stormy Forty-fifth. Though a majority in both houses, the Democrats held a slender margin of control. The Forty-sixth Congress was largely unproductive, marred by party wrangling and continuing impasses with the president. The senators' penchant to argue over petty pet peeves or for favorite whims, while major issues were left languishing, did little to increase the respect accorded the Senate by the people. Congress looked parochial and obstructive. It seemed intent on fulfilling Mark Twain's dictum that, had Congress been present when the Deity said "Let there be light," mankind would never have had any.

Hayes usually emerged from these fracases looking better than Congress. The legislators had a bad press. "You can't use tact with a Congressman!" a cabinet member told Henry Adams. "A Congressman is a hog! You must take a stick and hit him on the snout." Legislators' personal conduct did not help their image. "The hole in the wall," the members' refreshment bar between the House and Senate, served more than lemonade. Ladies in the galleries constantly fanned aside a stale haze of cigar smoke.[30]

Most of the party leaders in the Senate spent the Forty-sixth Congress grooming contenders for the presidency, which Hayes had announced he would vacate after one term. Roscoe Conkling, making a swift recovery after his defeat at Hayes' hands, was sent back to the Senate by New York for a third term in 1879, and immediately began scheming to regain control of the presidency by convincing his stalwarts to nominate Grant for a third term. No amount of polish, however, could give luster to Grant's tarnished image, and he was opposed within his own party by half breeds James G. Blaine and John Sherman. Sherman's campaign was managed by House Republican leader James A. Garfield.

At the Republican Convention, Conkling held 306 votes for Grant through thirty-six ballots, but they were not enough to win. On the thirty-fourth ballot, Garfield began to receive votes. On the thirty-sixth ballot, a stampede of switches from Blaine and Sherman gave the surprised Ohio congressman the nomination. As a sop to try to hold the stalwarts' loyalty in the election, the convention nominated Conkling's somewhat stained lieutenant, Chester Alan Arthur, for vice president. The Democrats nominated Civil War Union General Winfield Scott Hancock, but it was the struggle for future power, patronage, and spoils between the stalwart and half breed Republican factions of Conkling and Blaine that made the 1880 presidential campaign interesting.

Garfield received 214 electoral votes and Hancock, 155. The Republicans regained control of the House, but had to settle for an evenly divided Senate. This was a very interesting situation—the first and only time the Senate has been evenly divided. And it caused all sorts of problems.

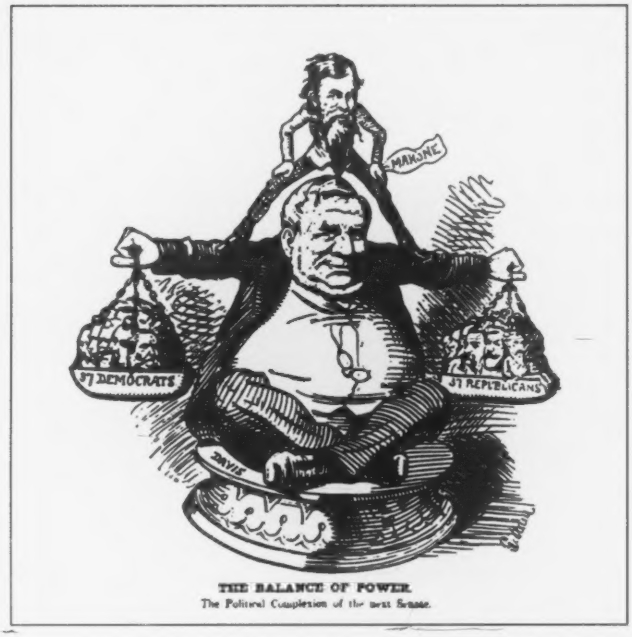
The special session of the Senate, that convened on March 4, 1881, had been called for the exclusive purpose of handling cabinet and agency nominations for the new administration. Under normal circumstances, this short session should have lasted about eleven days; instead, it ran eleven weeks. However, the Senate that met on March 4 consisted of thirty-seven Republicans, thirty-seven Democrats, and two Independents. One of the Independents, former Supreme Court Justice David Davis of Illinois, had announced earlier that he would vote with the Democrats on such organizational matters as appointment of committees and selection of Senate officers. The other Independent senator, William Mahone of Virginia, owed his recent election to support from a breakaway faction within his state's Democratic party. Known as the Readjustors, that faction pledged itself to a reduction, or "readjustment," of Virginia's heavy burden of accumulated financial indebtedness. Consequently, at the start of the brief session, Democratic leaders claimed thirty-nine votes, including Mahone's, a sufficient majority to organize the Senate.

Although their solid majority had vanished with the 1880 elections, Senate Democrats believed that as long as they could count on Mahone's vote, they could continue to control the legislature's considerable number of patronage appointments, and the chairmanships of the most important committees. At that time, the minority party traditionally chaired a half-dozen insignificant committees, such as Private Land Claims, Epidemic Diseases, Engrossed Bills, and Nicaraguan Claims. The Republicans, however, had come too close to settle for such modest rewards. Republican leaders believed that, while Senator Mahone had not publicly declared his party preference, they could win him to their side. If they were correct, the party balance would be set at thirty-eight votes apiece, with Republican Vice President Chester A. Arthur casting the tie-breaking vote for his party.

On March 14, 1881, after several days of preliminary maneuvering, the Senate proceeded to consider committee assignments and election of its officers. Curious members of the House vied for space on the crowded Senate floor while a noisy mob jammed the galleries. All waited for Mahone to signal his choice of parties. Democratic leader George Pendleton, pointedly dismissing rumors that the White House had been employing "champagne and satisfaction" to sway the undecided Mahone, requested that the Senate vote on the Democratic slate of committee nominees. Vice President Arthur directed the secretary to call the roll.

All eyes came to rest on Mahone when the clerk reached his name. A correspondent for the *New York Times* described Mahone as one of the "most peculiar figures in the Senate chamber." Weighing less than one hundred pounds, the five-foot-six-inch senator displayed a mane of abundant gray hair surmounting an angular frame perpetually clothed in black. When the dramatic moment arrived, Mahone, from his seat on the Democratic side, cast his vote with the Republicans. Having thereby clinched control of the Senate, the Republicans rocked the chamber with cheers and shouts.

On the following day, a large and ornate basket of flowers from the White House



At the beginning of the Forty-seventh Congress, both parties claimed an equal number of senators.
U.S. Senate Historical Office

conservatory graced Mahone's desk. As the Republicans announced their choices for committee assignments, the terms of their bargain with the Virginia senator became apparent. The freshman Mahone would become chairman of the Agriculture Committee. Further, he would be allowed to select the secretary and sergeant at arms of the Senate, both of whom commanded extensive patronage positions. President Garfield reluctantly yielded control of Virginia's federal patronage to Mahone, and consented to use his influence to suppress Republican opposition to Readjustor slates in elections later that year.

Secure both in the possession of Mahone's vote, and the tie-breaking power of the vice president, Senate Republicans quickly cast aside the Democrats' committee list and adopted their own. They moved to elect a secretary and sergeant at arms. A newspaper correspondent reported that "the Democratic senators were not in a hilarious mood. Their countenances were those of mourners at a funeral. Behind their desks was a grim row of clerks witnessing with solemn interest the proceedings that would deprive them of snug positions."

The proceedings then ground to a stalemate. With several Republicans absent due to illness or other business, the Democrats were able to stall by leaving the chamber each time Republicans tried to muster the thirty-nine-vote quorum necessary to conduct business. By this tactic, they protected the Democratic Senate officers and staff and blocked a vote that would have replaced them with Republicans. As impatience grew within the White House over the long list of executive nominees awaiting confirmation, the Democrats hoped to strike a bargain that would keep their officers in place until the next regular session nine months later, while allowing Republicans, in control of committee chairmanships, to proceed with the confirmation process.

Wondering out loud why the Republicans should object, a Democratic senator asked whether there were any charges of inefficiency against the existing staff justifying their removal. A Republican countered, "Were there any against those whom you removed two years ago?" Pennsylvania Republican J.D. Cameron dismissed notions of a compromise by observing that "the present officers are good, but we have others just as good and we intend to put them in their places. It is a question of endurance and we had better settle it."

Although the debate outwardly focused on selection of Senate officers and committee clerks, the deeper issue rested on Democratic fears that the Republicans would make substantial inroads into their control of the "solid South." They viewed the Republicans' success in luring Mahone away from the party, and the resulting disruption of the traditional Democratic hold over Virginia, as but the beginning of the contest. For their part, the Senate Republicans felt they needed to press the battle to honor their commitment to Mahone. The senator had been promised that the jobs of secretary and sergeant at arms would go to prominent Virginia Readjustors, who believed that additional signs of Republican favor would benefit their candidates in the forthcoming state elections. As a result, the Republicans in the Senate vowed to "fight it out if it takes all summer" to give Mahone his patronage.[31]

Garfield's real problems began immediately after his own election, when competing factions in the Republican party began to demand the payoffs promised them in return for their support. Conkling was not sorry to be rid of Blaine in the Senate, whom Garfield had rewarded by naming secretary of state, but was suspicious of the power his foe could wield in his new position. Conkling was also bitter over the lack of respect the new president was showing toward his powerful New York machine. One bright spot for Conkling was his certainty that the New York legislature, which he controlled, would send his fellow spoilsman Tom Platt, "the Machiavelli of Tioga County," to join him and bolster the stalwart ranks in the Senate in January 1881.

Garfield, urged on by Blaine, decided to put an end to Conkling and the incessant intraparty bickering plaguing the Republicans. The drama unfolded in the Senate. On Monday, March 21, 1881, Garfield sent up a list of appointments for confirmation. Mugwumps and half breeds were furious; the names were all Conkling men. But, on Wednesday, March 23, Garfield dropped his bombshell. A Senate clerk carried a special presidential message to Vice President Arthur, who was presiding. Conkling was writing at his desk. Arthur opened the paper, blanched, and signaled the senator. The reading clerk announced that the president had removed the collector of the port of New York and nominated another. Conkling was taken by surprise. He sputtered to a friend, "The nomination is the result, sir, of a perfidy without parallel." Senator Henry Dawes of Massachusetts wrote his wife that "Conkling raged and roared like a bull . . . for three mortal hours." [32]

As the battle lines were drawn, Senator Allison, acting as go-between, told Garfield that Conkling resented the lack of respect for senatorial courtesy as much as the personal affront. Garfield acknowledged that he saw the fight as an effort to establish presidential prestige as much as to humiliate Conkling. "It better be known, in the outset," he proclaimed, "whether the president is the head of the government, or the registering clerk of the Senate." Referring to his nominee, he vowed, "They may take [Robertson] out of the senate head-first or feet-first: I will never withdraw him." In May, after wooing a steady stream of senators at the White House, Garfield announced that he had enough votes to confirm his nominee.[33]

Conkling was undone, but he made a last-minute effort to avoid humiliation. On May 16, Conkling and Platt resigned from the Senate, counting on the New York legislature to immediately reelect them in a show of confidence. Arthur read their letters of resignation to an astonished Senate.

Conkling had miscalculated the public mood. A chorus of ridicule descended on him. "He has acted the boy," a senator complained, "and is now trying to bully the Senate." A newspaper reported that two orphans had resigned from an asylum because they got no molasses on their bread. Senator Dawes said Conkling was "a great big baby, boo-hooing because he can't have all the cake, and refusing to play any longer."[34]

Instead of the instant acclaim Conkling expected from New York, the state legislature dickered and bickered and balloted throughout May and June. Conkling had the sinking feeling that he was finished. In fact, his political future ended even more suddenly than he expected.

The resignations of Conkling and Platt gave the Democrats a two-vote majority in the Senate. However, in the interests of wrapping up the deadlocked session, they agreed not to reopen the issue of committee control. In return, the Republicans permitted the Democrats to maintain control of the Senate's officers and their patronage. The Senate finally adjourned on May 20, less than a week after Conkling's resignation broke the deadlock.

On the morning of July 2, 1881, Garfield was about to leave the Washington train station to visit his sons at Williams College when two shots rang out; one bullet grazed the president's arm, the other lodging in his back. The crazed assassin, Charles Guiteau, shouted, "I am a Stalwart, and now Arthur is President." Garfield suffered through the summer, weakening each time the doctors vainly searched for the bullet.

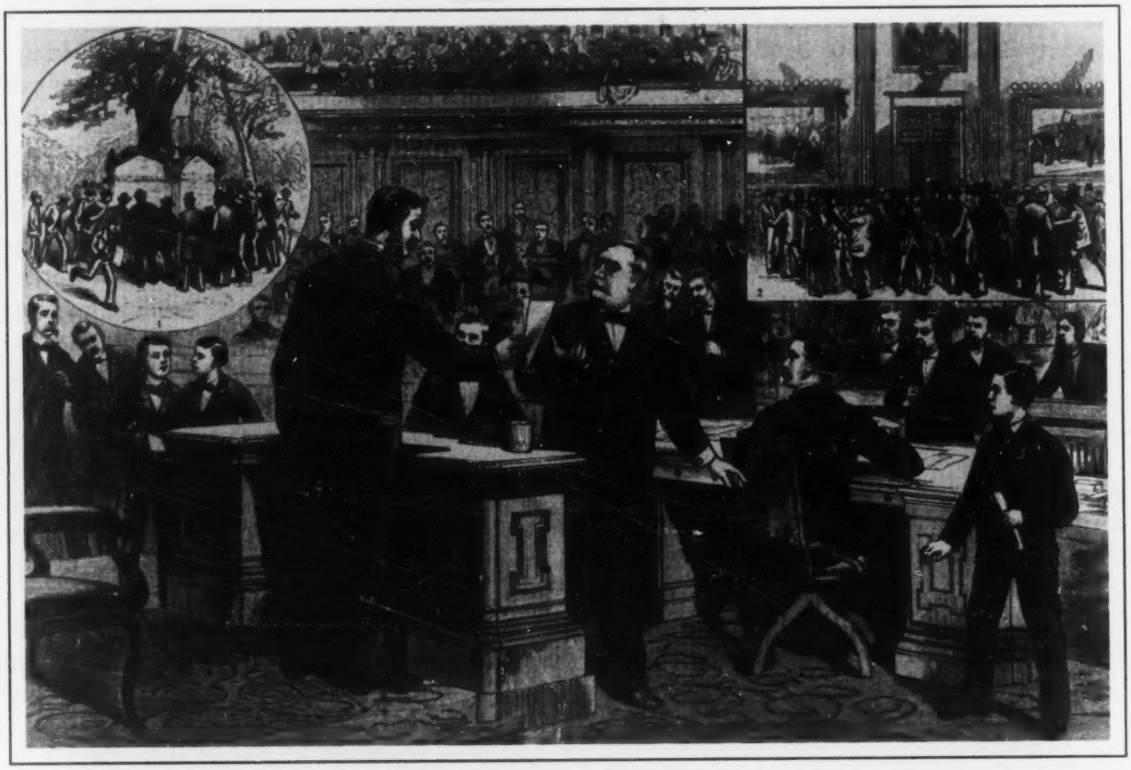
On July 22, the New York state legislature refused to return Platt and Conkling to their Senate seats and replaced them with relative unknowns. Garfield murmured, "Thank God!"

The press almost universally condemned the stalwarts, not so much for inspiring Guiteau directly, but for creating a situation where such animosity reigned. As Garfield's life hung in the balance, attacks on the spoils system increased apace with public demand for an end to the office-seeking that had produced men like Guiteau. Congress was flooded with petitions demanding civil service reform. When Garfield died on September 19, stalwart ascendency and Conkling's career died with him. Few expected to find an ear sympathetic to reform in the new president, Chester Arthur. But Arthur, the political hack, the "nobby dresser" with Dundreary-style side whiskers, straightened out with a start.

When the Senate convened on December 5, 1881, the nation's political climate had changed dramatically. With Chester Arthur in the White House and the vice-presidency vacant, the Senate had named the Independent Democrat, David Davis, president pro tempore. An ideal presiding officer, the judicious Davis was described as "a neutral statesman who finds little of good and much of evil in each party." Following Davis' counsel that "it is best that the party which has the president and the House of Representatives should be held answerable for all public measures," the leadership of both parties agreed to keep the organizational status quo for the balance of the Forty-seventh Congress. Leadership of the Senate committees remained in Republican hands, while the Democrats continued to control the offices of secretary and sergeant at arms.

The midterm elections of 1882 saw the Democrats regain their hold in the House, but, in the Senate, the Republicans won a slim margin of control. During the short December-to-March session of the Forty-seventh Congress that followed, the Republicans, hoping to establish a record for 1884, treated the country to a political spectacle rare for the era—an active lame-duck session. The first of the several major issues addressed that busy winter was the long-awaited civil service reform.

With Arthur's forthright call for reform ringing in their ears, senators turned to consider a bill, prepared by the Civil Service Reform Association, which had passed the House. The bill's Senate sponsor was George Pendleton of Ohio. A big man, with a handsome beard and gracious style, Pendleton was known as Gentleman George. Few expected an Ohio Democrat, especially one noted more for his cravats and manners than



In an 1881 showdown with President Garfield over patronage, Roscoe Conkling and Thomas Platt of New York astonished their colleagues by resigning from the Senate. *U.S. Senate Curator's Office*

for his ideas, to be the chief espouser of reform. But Pendleton realized that his party could not afford to let the opposition get all the credit for implementing so popular a reform so close to election time.[35]

Throughout December, the Senate hotly debated the issue of civil service reform. The usual opposition to permanent presidential appointment arose. The *New York Sun* voiced old fears of an independent service. "The proposition that men shall be appointed to office as the result of examinations in book learning and that they shall remain in office during life, is a proposition that ought to be speedily broken down and turned out." The examples of Prussia and England automatically offended certain patriots. A much more important fear sustained some opposition. At a time when few men had more than grammar school learning, they logically assumed that written examinations would produce an establishment of socially conservative rulers. The West and South feared eastern domination in the civil service.[36]

Most Democrats preferred to win the election of 1884, clean out the Republicans, and then enact a law to protect their own new appointees. The Democrats were hardly blind to the benefits the proposed legislation would confer on the party in power when it was passed. Democratic Senator Joseph Brown of Georgia sarcastically suggested that the bill in question should be labeled, "A bill to perpetuate in office the Republicans who now control the patronage of the government."[37]

Numerous amendments relieved much, but not all, of the anxiety many senators felt toward reform. In the end, most agreed with Senator Joseph Hawley of Connecticut who persuasively argued that

> the public sentiment has to come to absolutely demand it; the necessities of the case demand it; for with the growth of the country to 55,000,000 people, and the growth of the list of appointees up to more than 100,000, it is quite obvious that in a short time this business of peddling patronage will absolutely crush every Executive Department.

Finally, at the end of December, with 43 percent of the members absent, the Senate passed the Pendleton Act, establishing a Civil Service Commission, by a vote of 39 to 5. Though it was, as Senator Henry Dawes of Massachusetts claimed, extremely permissive, covering only about fifteen thousand jobs, or 10 percent of the federal service, it was a start.[38]

Though they had hammered out a major reform act, the weary senators, many of them lame ducks, could still not head for home. An even more abstruse problem confronted them—tariff schedules. Returning prosperity and the taxation policies inaugurated during the Civil War, based largely on high protective tariffs, were bringing into the treasury embarrassing surpluses. Even Congress found itself hard-pressed to spend all the extra money on pensions for Civil War veterans—whose votes gratefully supported the Republican machines that took credit for them—and pork barrel legislation. Cries arose from several quarters for an end to high protective tariffs, which opponents claimed earned huge profits for monopolists while keeping prices high for farmers and consumers.

While protection was largely a Republican doctrine befitting the party's industrial-urban constituency, President Arthur was surprisingly responsive to pleas for reduction. He favored the establishment of an expert commission to furnish Congress with information and recommendations for revisions. Congress was, however, ungrateful. Most senators did not welcome the prospect of tariff revision. They only grudgingly agreed with Senator Justin Morrill of Vermont, father of the existing tariff schedules, who grumbled, "I suppose that if the Bible has to be revised from time to time the tariff may have to be." In May 1882, Congress had reluctantly established the commission. Its members worked throughout the summer, and now, at the Congress' end, had very inconveniently made their report favoring an expanded free trade list and lower duties on major items.[39]

A Boston newspaper urged Republicans to heed the call for reform and warned them not to "pretend to reduce the tariff, and not do it." But that is exactly what they did. Republican members of the House Ways and Means Committee, led by William "Pig Iron" Kelley of Pennsylvania, ignored the commission's report and devised a bill of their own. At the same time, the Senate Finance Committee set about independently to draw up its own version of a new tariff. The House version tended to help raw material producers, while the Senate version leaned toward manufacturing interests. Both defeated the intention of the tariff reformers by yielding to the arguments of the hundreds of lobbyists who swarmed through the halls of the Capitol.[40]

As the lame-duck session dragged on, an emergency arose for the protectionists. As I noted earlier, in the fall elections of 1882, the traditionally anti-protectionist Democrats won control of the House. Protectionists realized that they must pass their desired bill before the Forty-seventh Congress ended or not at all.

By a series of skillful parliamentary rulings, House protectionists ended debate just four days before the close of the session and sent the bill to a conference committee dominated by protectionists. In twenty-four hours, the joint committee wrote an entirely new bill, incorporating many increases and only minimal reductions. On March 3, 1883, the last day of the Congress, a measure that opponents labeled the "Mongrel Tariff" passed both houses and was signed by President Arthur.[41]

Congress adjourned with relief and a mixed record. Senators went home to reflect on their handiwork and ponder the next year's presidential campaign. The Republicans had once again lost their majority in the House. They knew as well as the Democrats that, if the Democrats could produce a reasonable presidential candidate in 1884, they might capture all the citadels of power. I shall stop here for today, leaving our predecessors on both sides of the aisle to their respective moods of dread and excitement.

CHAPTER 18

The Watershed Years 1884-1892

September 28, 1983

Mr. President, in this address and the next in my continuing series on the history of the U.S. Senate, I shall deal with the last decade and a half of the nineteenth century. The late 1880's and the 1890's were a watershed, not only in the Senate's history but in American history as well. On the one side stretches the old America—an America that was overwhelmingly rural and agricultural; that devoted its prodigious energy to the conquest of the continent; that enjoyed relative isolation from Europe and the rest of the world; that, despite a depression in the 1870's, was optimistic. Over the horizon loomed the new America—an America predominantly urban and overwhelmingly industrial; inextricably enmeshed in world politics and world wars; wracked by convulsive changes in population, economy, technology, and social relations; and troubled by ominous problems that threw their shadow over the promise of the future.[1]

By the late 1880's, the generation of leaders that had fought the Civil War was passing from the stage, and a new generation that knew Pickett's Charge and Fredericksburg only as history was coming before the footlights. Colonels and generals in faded blue and gray still could attract a following, but the most memorable politicians at century's end had only dim memories of the conflict. William Jennings Bryan was born in the year of secession, and his great rival, Theodore Roosevelt, was just a baby when the first shots of the war rang out at Fort Sumter.

No permanent moratorium on "waving the bloody shirt" was achieved, but the effectiveness of this device to incite old wartime antagonisms declined and, with this, its use. From every quarter came signs of increasing national harmony. In November 1884, *Century* magazine began a series of reminiscences by Union and Confederate soldiers, "Battles and Heroes of the Civil War." For the three years the series ran, *Century*'s circulation soared to over 250,000—three times the former level. The popularity of U.S. Grant's *Memoirs,* published in 1885, was also enormous, in part because the Union commander adopted in his recollections a consistently magnanimous attitude toward his former Confederate foes. Soon, a new war would unite North and South, where the old war had divided them.[2]

The statesmen of earlier years—the James G. Blaines, Roscoe Conklings, and Oliver Mortons—about whom I have spoken often, began to seem archaic and alien when contrasted to the new men with new methods like Bryan, Roosevelt, Robert La Follette, and Arthur Pue Gorman. The issues that had preoccupied the postwar generation—Reconstruction, public lands, railroads—were also beginning to seem faded and old-fashioned. As the century waned, the problems confronting the nation seemed as new and different as the new men called upon to grapple with them. The problems pushing so urgently to the fore were economic and social, immune to the old and familiar political resolutions. New issues, like reform, jostled alongside persistent old issues, but the old orthodoxies were mute when solutions were needed.

Historian Harold Faulkner offers a vivid description of the perplexing problems with which the nation seemed suddenly confronted in these years:

> The late eighties had brought hard times to the farmer, the workingman, and to many businessmen as well, and with hard times doubts and disillusionment; in the nineties came open revolt, a challenge to old beliefs, a repudiation of old shibboleths, a fragmentation of old parties. There was almost everywhere a feeling that somehow the promise of American life was not being fulfilled. . . . The continent had been conquered, and the frontier was no more, but the cost of exploitation and waste was a sobering one. Industry flourished, and the new nation was rapidly forging ahead of her Old World competitors, but at the price of recreating those class conflicts from which the United States had heretofore been thought immune. Cities had grown and flourished, but with them slums and poverty, crime and vice. . . . In 1890 Americans were reading Jacob Riis' *How the Other Half Lives;* they had not supposed that there was, in America, an Other Half, except among the Negroes. The ruthless exploitation of natural resources made the nation rich beyond the imaginings of its founders, but the riches were gravitating into the hands of the few, and the power of wealth in politics caused the gravest misgivings. . . . Democracy flourished, and with it corruption.[3]

These conditions might have led to revolt as, indeed, they have in other countries. But—and I believe this is a testament to the flexibility of our system of government as established by the Constitution—instead, they led gradually to reform. While much of that reform took place at the local and state levels, some of the issues agitating public life were fought out on the national stage in Congress.

Mr. President, today, in dealing with the first half of this tumultuous era, I intend to underscore the Senate's role in these issues, with particular emphasis on how it solved, ignored, or exacerbated these problems. While many of these years were practically devoid of significant legislation, the calendars of others were crammed full of momentous measures which continue to affect us today. Old questions like the tariff nagged and were dealt with by the Mills Tariff and the McKinley Tariff; despite efforts to suppress it, the continuing problem of black voting rights in the South came to the fore with the Force bill; the question of silver plagued these congresses as it had previous ones and was dealt with, at least temporarily, by the Sherman Silver Purchase Act; well-meaning reformers tried to ameliorate the conditions of the Indians with the Dawes Act; and other major reforms were embodied in the Interstate Commerce Act and the Sherman Antitrust Act.

Just discussing these major pieces of legislation will more than amply make a lengthy talk, so I shall save, until my next address, discussion of the internal changes taking place in the Senate and the colorful personalities who filled these same seats before us. The internal reforms in the Senate and the reform legislation passed by the Senate are pieces of the same cloth. Historian Robert Wiebe has characterized these years as ones in which America was consumed by the "search for order," and we shall follow the

Senate on this search in both this address and the next.

We left the Senate, at the end of my last address, in the hot summer of 1884, on the eve of the presidential nominating conventions. The elections of 1882 had given the Democrats a large majority in the House. The Republicans held onto the Senate by just four seats. Republican Chester A. Arthur, the accidental president, sat uneasily in the White House, doubting that his party would offer him the nomination. Nearly everyone agreed that Arthur had been a better president than expected, but his positive accomplishments had been negligible.

Mounting tariffs, rising prices, and a minor depression in 1882–1884 were sorely trying the patience of the electorate. Disgruntlement with Republican rule was widespread. Republicans knew as well as Democrats that if the Democrats could produce a reasonable presidential candidate in 1884, they might well capture all the citadels of power—the presidency, the House, and the Senate—for the first time in over a quarter century. The prospect made for cautious euphoria in Democratic circles and gloom in Republican ones.

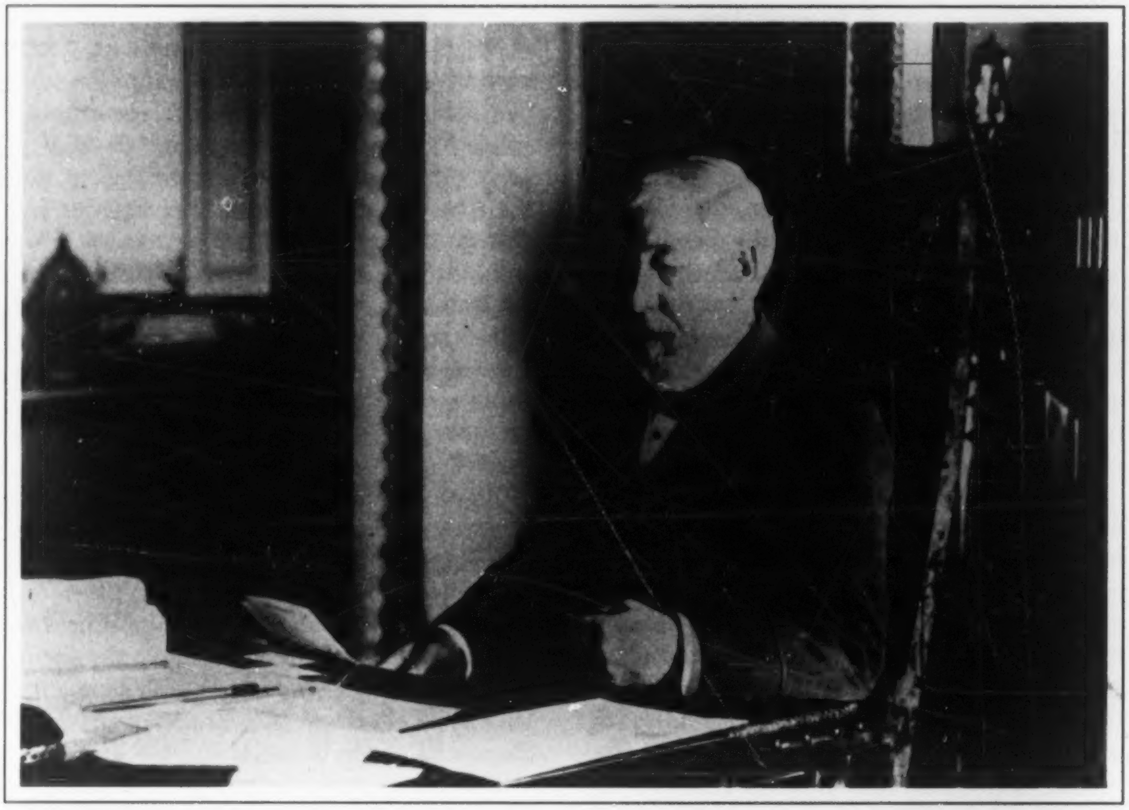
As in previous election years, many senators were in positions to be kingmakers or, in our democracy, presidentmakers, and some were long shots for the top position itself. The Republicans met first that summer in Chicago. Early, it became clear that James G. Blaine, the former senator from Maine, was the favorite. Blaine, however, remained aloof and busied himself with his memoirs, which, I might add, shed light on important years in the Senate's history. Despite his protests, Blaine was the most popular Republican in the country. More important, with Roscoe Conkling ignominiously retired from the Senate, most Republicans believed that Blaine was the man who would represent their interests better than anyone else.

On the first ballot, Blaine got over 300 votes; Arthur, 278. Minor candidates, controlling over 200 votes, split into roughly two groups: the civil service reformers who voted for Senator George Edmunds of Vermont, whom scandal had never touched; and the midwest professionals, chiefly the followers of Senators John Sherman of Ohio and John A. Logan of Illinois. The reformers, led by Carl Schurz, former Missouri senator and secretary of the interior in the Hayes administration, were known as "mugwumps"—fence-sitters, with their "mugs" on one side and their "wumps" on the other.[4]

On the fourth ballot, the midwesterners swung to Blaine, giving him the nomination. The Republican campaign would be managed by a powerful group of current and future senators: Don Cameron of Pennsylvania and John Logan, then sitting in the chamber; and Stephen Elkins of West Virginia and William "Machiavelli" Chandler of New Hampshire, soon to join them.

The Democrats, also meeting in Chicago, had no outstanding leader but every prospect for winning the presidency. On the second ballot, the nomination went to Governor Grover Cleveland of New York, who, just four years before, had been an unknown Buffalo lawyer. His term in Albany had earned him a reputation for honesty and courage, and he was an advocate of civil service reform—assets Democrats knew would help lure away disaffected mugwumps. Though former Senator William Barnum of Connecticut was titular chairman of the Democratic National Committee, the directing genius behind Cleveland's campaign was freshman Senator Arthur P. Gorman, the boss of Maryland, just beginning his twenty-year reign over the Senate's Democrats.[5]

The contest between Blaine and Cleveland was dirty and close. When the votes were



A former United States representative, senator, and secretary of state, Maine's James G. Blaine published his memoirs in 1884 to advance his prospects in that year's presidential contest. Despite his literary effort, Blaine lost the election to Grover Cleveland. *Library of Congress*

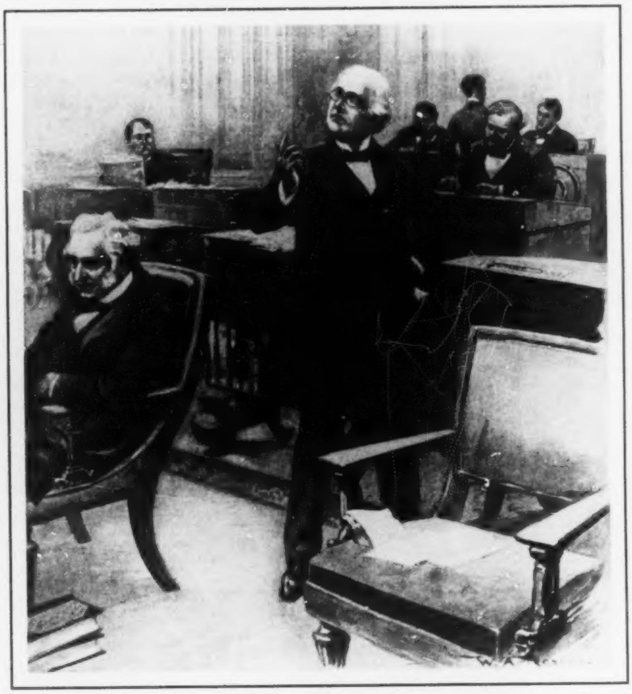
tallied, Cleveland emerged the victor. Actually, compared to the Democratic sweep in 1882, the Republicans had not done so badly. They gained twenty-two seats in the House, though still not enough to regain the majority, and picked up one seat in the Senate, making their slim majority here more solid. The Democrats, however, had won the presidency, making Cleveland the first Democratic president in a quarter century.

At the outset, Cleveland was regarded by civil service reformers as one of their own. He had announced that he would not only faithfully execute the Pendleton Act but would also refrain from dismissing any officeholders unprotected by it unless they had proved themselves "offensive partisans." During the nine months prior to the meeting of the Forty-ninth Congress, he discovered 643 of the latter among the officeholders appointed by his predecessors and proceeded to suspend them.[6]

Reformers deemed this number excessive. Carl Schurz wrote frankly to the president: "Your attempt to please both reformers and spoilsmen has failed. I warned you more than once that your principal danger was to sit down between two chairs." The Republican Senate, with less worthy motives, emulated Schurz' indignation. It requested the president to give specific reasons for each of the 643 suspensions. Cleveland refused to gratify their request, citing the political practice of half a century. The contest dragged on so long that the terms of many of the suspended officials expired, and Cleveland was able to win a practical victory by simply withdrawing the names of his appointees and then resubmitting the same names as nominees to now vacant offices.[7]

The only constructive measure on which the Democratic House and the Republican Senate could agree during the first session of the Forty-ninth Congress was a bill introduced by Senator George Frisbie Hoar of Massachusetts to change the order of presidential succession. The Constitution provided that Congress should decide who was to succeed to the presidency in the event that both the president and vice president died, resigned, or became disabled. In 1792, Congress provided for succession, after the vice president, of the president pro tempore of the Senate, then of the Speaker of the House. This was, in turn, altered by Senator Hoar's proposal, the Presidential Succession Act of 1886, which changed the line of succession to run from the vice president to the secretary of state, secretary of the treasury, and so on through the cabinet in order of rank.

Senator Hoar argued persuasively that, for much of a president's term, Congress was not convened and, thus, had no officers. He reminded his colleagues of the nine-month gap that had just intervened between Cleveland's March inauguration and the Forty-ninth Congress' first meeting. At the time of Garfield's assassination, an event then still vivid in every senator's mind, Congress had not convened and did not for six more months. Even as Hoar argued, the nation was without a vice president and remained so throughout the Forty-ninth and Fiftieth congresses. Vice President Thomas Hendricks, formerly a senator from Indiana, had died on November 25, 1885. What if, Hoar asked, President Cleveland had died on November 26 when there was no vice president, no president pro tempore, and no Speaker?[8]


Artist W. A. Rogers titled his depiction of Senator George Hoar *The Senator from Massachusetts Interrupts.*
U.S. Senate Curator's Office

Another vexing problem with the 1792 line of succession had been clear to the senators between 1879 and 1883: the Democrats effectively controlled the Senate but the Republicans held the presidency, creating a situation where the president pro tempore, and, hence, the potential acting president, was not of the same party as the chief executive. Even as the senators debated, Democrat Cleveland sat in the White House while Republican John Sherman presided over the Senate.

With many compelling arguments to recommend it, Hoar's bill passed the Senate and House without serious opposition and was signed by the president on January 19, 1886. This was the line of succession which I stud-

Senator Robert Marion La Follette of Wisconsin gathered with his wife and children for a family portrait. Future Senator Robert Marion La Follette, Jr., is seated to the right in front of his mother. *Library of Congress*

ied in elementary school and in high school, and it remained established and unchanged until 1947, when a new act, still in force today, placed the Speaker and then the president pro tempore next in line following the vice president.

With the exception of Hoar's bill, little of importance transpired during the first session of the Forty-ninth Congress. So-called pork barrel legislation, totaling nearly $15 million, consumed much of the session, with Republicans and Democrats harmoniously supporting each other's pet projects.

A discordant note came from thirty-year-old freshman Republican Representative Robert Marion La Follette. Fellow members of the House of Representatives listened in amazement to a speech against the pork barrel by the audacious young man from Wisconsin, a state supposed to be safely controlled by the powerful machine run by Senators John C. Spooner and Philetus Sawyer. Sawyer, a millionaire ex-lumberjack, was said to be so illiterate that he signed himself P. Sawyer because he could not spell Philetus, but so powerful that, as Senator La Follette said, he bought men "as he bought sawlogs." [9]

Perhaps, I should take a moment to look at the derivation of the term *pork barrel,* because it was at this time in the Senate's history that it came into general use and also general disrepute. The pork barrel is the national treasury into which government officials dip for pork, or funds for local projects. The phrase probably is derived from the pre-Civil War practice of periodically distributing salt pork to the slaves from huge barrels. A 1919 article in the *National Municipal Review* described the term's origin:

> Oftentimes the eagerness of the slaves would result in a rush upon the pork barrel, in which each would strive to grab as much as possible for himself. Members of Congress, in the stampede to get their local appropriation items into the omnibus river and harbor bills behaved so much like Negro slaves rushing the pork barrel, that these bills were facetiously styled "pork barrel" bills.[10]

In the late nineteenth century, the classic example of pork barrel legislation was a rivers and harbors bill, a piece of legislation that provided morsels for scores of congressmen in the form of appropriations for dams and piers and highways and bridges.

Another matter on which the Republican and Democratic senators saw eye to eye was the awarding of pensions to Civil War veterans. Soldiers actually disabled in the war, and the widows of those slain, had long since been provided for. But the northern veterans' organization, the Grand Army of the Republic, had developed into a very formidable pressure group. Allied with the Grand Army was a younger army of attorneys who derived their chief income from pension cases, many of which were patently fraudulent. Mainly, at the instigation of the latter, more than one hundred private pension bills, most of which had already been rejected by the pension commissioner, were passed in just the first session of the Forty-ninth Congress. The stamina to resist such applications, backed as they were by such a powerful lobbying group, while lacking in either branch of Congress, was found in the president, who vetoed every one of the bills.[11]

The second session of the Forty-ninth Congress, which convened in December 1886, was much more fruitful than the first. The most important fruit it bore, though more for setting precedent than immediate remedy, was the Interstate Commerce Act. For years, grange organizations of farmers in the Midwest had been agitating against discriminatory rates and other railroad abuses. Elsewhere, there was resentment against rebates, unfair variations in rates, and a host of monopolistic practices by the railroad lines. From time to time, Congress had held hearings that aired the public dissatisfaction, and members of both houses had introduced regulatory bills. But the railroad lobby—distributing passes, bribes, and other favors—had always been too strong, and none of these measures had passed. In the mid-1880's, however, powerful industrialists began to join those complaining about the railroads' monopolistic practices, and their voices carried far more weight than those of the farmers.[12]

In March 1885, at the urging of Republican Shelby Cullom of Illinois, the Senate established a select committee to investigate rail abuses. Its members were Senators Cullom, Warner Miller of New York, and Orville Platt of Connecticut, Republicans; and Isham Harris of Tennessee and Arthur Gorman, Democrats. The five spent a large part of the summer recess taking testimony in most of the major rail centers of the nation, from Boston to Omaha and from Minneapolis to New Orleans.

At first, railroad officials paid little attention to the investigation, but, when it became clear that Cullom and his colleagues were determined to bring the railroads under federal control, their aloofness changed to keen interest. When, in 1886, the Supreme Court ruled that states could not regulate railroads that crossed state lines, the hitherto inaccessible magnates rushed to Washington; they complained that they had not been afforded the opportunity to present their arguments, and, of course, hoped to forestall any legislative action.[13]

Rail executives had reason for concern. The select committee drafted a bill that it hoped would correct the abuses its members had found, and Senator Cullom introduced the measure in December 1885. It quickly ran into opposition from Republican Senator Nelson Aldrich of Rhode Island. In the ensuing debates, Aldrich established himself as Congress' leading representative of finance capitalism. The bill, he argued, was tantamount to "revolution"; it would cripple both internal and external commerce. Though Cullom, himself, recollected that the bill was "conservative legislation," Aldrich tried hard to convince his colleagues and the people that it was dangerously radical. Despite vigorous opposition, Cullom's bill passed the Senate on May 12, 1886.[14]

Meanwhile, the House had passed a railroad regulation bill introduced by John Reagan, a Texas Democrat. The measure differed substantially from the Cullom bill in that it did not provide a commission to enforce the regulatory measures included in the proposed legislation. Since the Senate conferees insisted upon the commission and the House conferees would not budge, a deadlock ensued which remained unbroken at adjournment. By the following January, both sides were in a more conciliatory mood. A revised bill was hammered out and carried back to the respective chambers.

By that time, thanks to the industriousness of the railroads and their lobbyists, enthusiasm for the measure had begun to evaporate in the Senate. Exasperated, Cullom professed he was "greatly provoked, almost outraged, at the manner in which Senators opposed the adoption of the conference report." Democrat John Tyler Morgan of Alabama and Republicans William Evarts of New York and George Hoar joined Aldrich in attacking specific clauses of the measure and opposing regulation in general.[15]

Forces in favor of regulation overcame the opposition, and, on February 4, 1887, the Interstate Commerce Act finally passed and received the president's signature. The first important act in American history regulating interstate commerce became law. The act prohibited most of the objectionable railroad practices and created the Interstate Commerce Commission to oversee the enforcement of the act's provisions. For years, the railroads' many devices to circumvent the provisions rendered the commission all but powerless, but, in the wave of reforms during the twentieth century, other congressional acts strengthened the commission's authority over all carriers of interstate commerce. As the federal government's first regulatory body—able to act independently of the three branches of government, but combining the functions of all of them—it served as a model for such future administrative agencies as the Federal Power Commission, the Federal Trade Commission, and the Federal Communications Commission.[16]

With the Interstate Commerce Act, Congress hoped to end the widespread railroad abuses. Another measure, passed early in 1887 as the Forty-ninth Congress was winding down, attempted to solve a second persistent problem: the status of the Indians in the West.

By the late 1880's, the Indians were a mere remnant of one quarter million. Dispossessed of most of their lands and pacified by military force, most had been herded onto reservations west of the Mississippi. They were wards of the government, supported largely by its grudging bounty. In 1871, responding to the pressure of the railroads and other interests that wanted the Indians' land, the spoilsmen in Congress ended treatymaking and the recognition of tribes as independent political entities. Thereafter, aggrandizers, encouraged by congressional leaders such as Conkling, Blaine, and Garfield, and supported by troops and corrupt government agents, seized what they wanted, their aggressions leading to such desperate last stands of Indian resistance as the dramatic Battle of the Little Bighorn in 1876.

By 1887, it was widely known that Indian affairs were inefficiently managed and the system riddled with abuses. The demand for reform coming from well-intentioned humanitarians was growing stronger daily. To remedy the situation, the House and Senate passed a bill known as the General Allotment Act or the Dawes Severalty Act, after Senator Henry L. Dawes of Massachusetts, its sponsor. The Dawes Act empowered the president to divide a reservation and allot to each head of a family 160 acres, with lesser amounts to bachelors, women, and children. What land was left over (and it was expected to be thousands of acres) would revert to the public domain. The Dawes Act was the first systematic effort to provide for Indian welfare and marked a revolution in the handling of Indian affairs. Unfortunately, it proved a disaster.

The purpose of the Dawes Act in the eyes of well-meaning but misguided reformers, of whom Dawes was one, was to break up the tribal system and make the Indian a self-supporting citizen according to the white man's values. Many who supported the act, however, were land greedy and had in mind the acres and acres of land that would be open for settlement, rather than the Indian's welfare.

For the Indians, the Dawes Act was a failure. Never consulted by the reformers, the Indians were unable or unwilling to change their way of life. It was wholly unrealistic to expect a people to abandon centuries-old traditions and embrace the acquisitive society of the white man based on private ownership of land. Furthermore, the land reserved for the Indians was often barely adequate to sustain a decent living. Modification of the Dawes Act during the 1890's brought little relief. Far from assimilating the Indians, the Dawes Act made poverty a fixture on the reservations, robbing the tribes of water rights, timber, and much of the land needed for viable economies. It was not until the administration of Franklin Roosevelt in 1934 that the allotment plan was discarded and efforts were made to save the last vestiges of the Indians' cultural traditions.[17]

The Forty-ninth Congress adjourned on March 3, 1887, just days after passing the Dawes Act. The election returns of the previous November weighed heavily on the minds of the Democrats returning to their constituents, but revived the morale of their Republican colleagues. The Democratic margin in the House had been substantially reduced from 42 to 18. With the 1888 presidential elections on the horizon, Democratic congressional leaders warned Cleveland that it was time to attempt some bold stroke to capture the public's lagging interest. Though still a minority, Senate Democrats had gained three seats, making the division 37 to 39 rather than 34 to 41.

The president took his congressional advisers up on their suggestion but looked in a direction they had not foreseen. Cleveland turned to the steadily increasing treasury surplus. The nation's rigid system of budget and taxation had amassed a surplus of $150 million in gold, much of it owing to the heavy receipts from the protective tariff of 1883. This incredible surplus, labeled the "Treasury Octopus" by its enemies, was becoming an acute embarrassment as agitation spread among hard-pressed farmers against "bloated bond holders" and the "Shylocks" of Wall Street.

Republicans favored spending the surplus on pensions, public works, harbor improvements, and fortifications. But Cleveland was unwilling to see federal revenues doled out to undeserving pensioners or invested in public works projects he believed unnecessary. He sought ways to diminish the ponderous surplus by reducing taxes and tariff rates on imports. Moreover, tariff cuts could be defended as helpful to consumers and as a means of preventing monopoly. Mugwumps, midwestern farmers, and powerful railroad interests were on his side. Cleveland decided to make the tariff his issue.

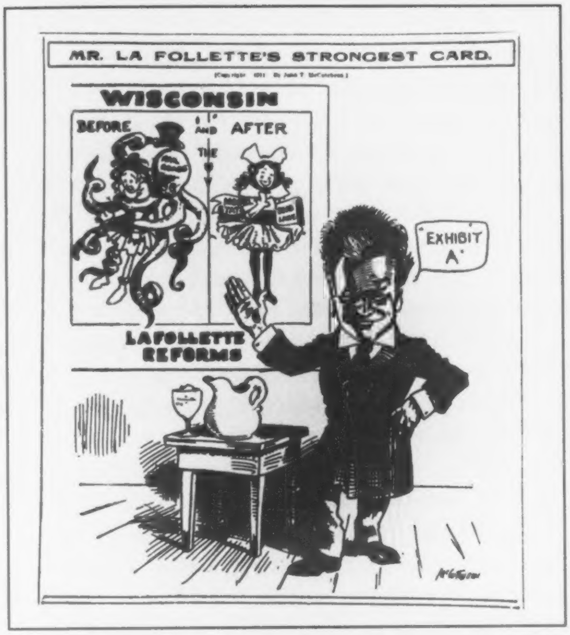
Cleveland's own party's canvassing experts warned him to go slowly. With the Senate in Republican hands and the thin Democratic majority in the House divided on the question, his chances of obtaining a satisfactory bill in an election year seemed slim. William Whitney, his secretary of the navy, urged that "it was not the right time to push it." But Cleveland, with an honesty that reflected the best side of his nature, replied, "What is the use of being elected or reelected if you don't stand for something?"[18]

The Fiftieth Congress, convening in December 1887 and lasting until March 1889, came to be regarded as the most do-nothing Congress of all. While it ended in a whimper, it started off with a bang. Readers of *Puck* among the members of the Fiftieth Congress were greeted by a wonderfully vivid Keppler cartoon. In it, an enormously bloated, leering dragon is spreading himself out over the House chamber. Members are dashing for the doors, climbing over chairs, cowering under desks—anything to get away from this dread beast labeled "The Surplus." There was in real life no escape from the persistent problem of the bloated surplus, as the senators and representatives were to find out on December 6 when the president sent to Capitol Hill his annual message, which he devoted entirely to the tariff question.[19]

Cleveland used harsh words to condemn the "iniquitous system." The tariff was, he claimed, "a burden upon those with moderate means and the poor, the employed and unemployed, the sick and well, and the young and old . . . a tax which with relentless grasp is fastened upon the clothing of every man, woman and child in the land." Alarmed protectionists immediately attacked Cleveland. "The Democratic party in power is a standing menace to the industrial prosperity of the country," announced Blaine, who, though out of Congress, was still influential as the elder statesman of the Republicans.[20]

Rational tariff legislation could only be obtained if Congress would subordinate sectional and corporate interests to the general needs of the nation, not a likely occurrence in an election year. In April 1888, a new reduced-tariff bill named for Roger Q. Mills of Texas, the short-tempered Democratic chairman of the Ways and Means Committee, was introduced in the House of Representatives. Debate dragged on through July, long after the national conventions.

In the Senate, which they controlled, the Republicans rejected the Mills bill and decided to write their own version of a tariff revision, dubbed the "Senate Substitute," with no little aid from the iron and textile lobbies. Drawn up principally by Aldrich and William Boyd Allison of the Finance Committee, the Republicans' protectionist bill lowered only the tariff on sugar (which would cost them votes only in solidly Democratic Louisiana). The senators heard learned disquisitions on nails, birdcages, and sulphur—designed, as Senator Cullom noted, for "home consumption"—until October 20, when the Senate adjourned without voting on the bill.[21]



As a House member in the 1880's, La Follette laid the groundwork for reforms he would later pursue in the Senate. *U.S. Senate Historical Office*

Other than the tariff, the chief interests of the session were subsidy and public works bills. Again, they drew scorn from the fiery La Follette, now serving his second term in the House, having won reelection over the strident opposition of the Wisconsin machine headed by Senators Sawyer and John C. Spooner. On one occasion, as La Follette flailed away at appropriations desired by the machine, Sawyer came charging apoplectically onto the House floor, storming at La Follette: "Young man, young man, what are you doing? You are a bolter, sir, a bolter." La Follette held his ground, replying that the senator could not tell him how to vote, and Sawyer, realizing that he was violating congressional etiquette and House rules, vanished as abruptly as he had appeared.[22]

At the 1888 Democratic National Convention in St. Louis, Cleveland was unanimously renominated. The Republicans, meeting in Chicago, were much divided. Once again, Blaine could have had the nomination but again professed disinterest. For the tariff battle, the party needed a midwesterner, and many eyes, including Blaine's, turned to Benjamin Harrison, grandson of former president William Henry Harrison, who had just completed one undistinguished term in the Senate.

A warm personality was not among the Hoosier senator's political assets. A political ally once arranged a speaking engagement for him, then cautiously urged him to "warm up" with the crowd: ". . . for God's sake be a human being down there. Mix around a little with the boys after the meeting." After the meeting, Harrison confessed failure. "I tried it, but I failed. I'll never try it again. I must be myself." Despite Harrison's aloofness, his friends were quietly building a boom behind his name.[23]

Senator John Sherman badly wanted the nomination but took his usual lofty ground. "If it [the nomination] comes, I will accept it as a duty and if it goes to someone more worthy I will not be a mugwump [defector]." Sherman seemed to have a good chance; he was from a strategically located state and had a national reputation on the tariff question. But he had not shaken the Ohio Icicle image of earlier years.[24]

There were other, darker horses in contention: among them, Senator William Allison of Iowa; Chauncey Depew, future senator from New York but then president of the New York Central Railroad, a position which made him unacceptable to the West; and Michigan's "millionaire governor," Russell Alger, also a future senator. Managing behind the scenes was a bevy of current and future senators that included Senator Matthew Quay, the premier "boss" of Pennsylvania; former and future New York Senator Thomas Platt, "the easy boss"; and future Ohio Senator Mark Hanna. After much maneuvering, on the fifth ballot, the tide turned to Harrison; he could carry the doubtful states, he was Blaine's political heir, and he had wider appeal than any of the other local favorites.

In November, voters were called upon to decide whether, as the Republican platform claimed, Democrats were animated by a desire to destroy "the general business, the labor and the farming interests of the country." By a small popular majority of 94,000 votes in Cleveland's favor, the people seemed to answer that they did not believe this to be the case. But when the electoral votes were counted, Harrison received 233 to Cleveland's 168. Not only did the Republicans regain the White House, but they also captured the House once again. When the Fifty-first Congress convened in December, the Republicans controlled the Congress and the presidency.[25]

In their moment of exhilarating victory, the Republicans had dangerous internal problems, illustrated by confrontations between Senator Quay and the new president. Quay expected the president-elect's "fervent and grateful congratulations." Instead, Harrison calmly remarked that "Providence has given us the victory." Quay snorted to friends, "Providence hadn't a damned thing to do with it. Harrison would never learn how close a number of men were compelled to approach the gates of the penitentiary to make him president, where he could return thanks to the Almighty for his promotion."[26]

The lame-duck session of the Fiftieth Congress, held after the Republican victory, was as barren of constructive legislation as the first. A hasty attempt to modify the tariff was defeated by Republicans eager to wait until the next Congress when they would hold all the reins. North Dakota, South Dakota, Montana, and Washington were about to be admitted as states. This would boost the size of the Union to forty-two states—increasing the Senate to 84 members; the House, after the census of 1890, to 357; and making the voice of the West in the councils of power far stronger. Also, during this lame-duck session, the Department of Agriculture was elevated to cabinet level. On March 3, 1889, the Fiftieth Congress closed its books for good, and the next day, the Republicans reclaimed the seats of power.

The Fifty-first Congress, convening on December 2, 1889, proved to be as dramatic as the Fiftieth had been lackluster. Important changes in procedure, as well as milestone legislation such as the Sherman Antitrust Act, awaited in the wings. The changes began in the House, where the session got off with a tremendous bang. I would like to look a bit at the action in the House at this point because it mirrored a new mood for change afoot in the Senate.

During the lame-duck session just passed, business in the House had been frustrated by endless roll calls and filibusters. These dilatory tactics dismayed responsible legislators, notably Thomas Reed of Maine and Henry Cabot Lodge of Massachusetts. A Republican reformer, Lodge could hardly contain himself over the lowly state into which the House had fallen. Drastic revisions of the rules were needed, he said, to "change the condition of the House from dead rot to vitality."[27]

These calls for reform were echoed by Reed, who had been Minority Leader and was now chief candidate to become the Republican Speaker in the Fifty-first Congress. Reed was one of the most engaging figures in congressional lore—charming, genial, a master of epigrams and bon mots. His wit was rapier sharp, and his impalements of colleagues were legion. Of two representatives, he commented, "They never open up their mouths without subtracting from the sum of human knowledge." Reed literally loomed over House proceedings, filling a chair with nearly three hundred pounds, standing in debate at six feet three inches in size-twelve shoes.[28]

With the help of Lodge and other New Englanders, when the House convened on December 2, 1889, Reed was elected Speaker. Reed, handsome William McKinley of Ohio, and Joseph Cannon of Illinois, known as "Foul-mouthed Joe," constituted a majority of the Rules Committee, and they immediately set out to draft new rules for the new session. Reed's principal goal was to end the precedent, observed since the First Congress, of establishing quorums by a count of those who voted, rather than those who were actually present. With the House so evenly divided and the Democrats remaining silent for any roll call on a subject of which they disapproved, the Republicans would be hard put to get a quorum at any time during the session.

On January 29, 1890, the House began to consider contested elections. When the first one was reported, awarding a disputed seat to a Republican, a Democrat asked for consideration. When the roll was called, only 163 members responded; the Democrats holding their tongues. Reed, however, was ready. Having assured himself of the constitutionality of what he was about to do, he calmly said, "The Chair directs the clerk to record the names of the following members present and refusing to vote." He then began to call out the names of every Democrat he could spy. After a moment of incredulity, the hall exploded in an uproar. Democrats leaped to their feet, shouting for the count to stop, but Reed continued to call the names while Republicans applauded, whistled, and cheered. Reed's ruling that a quorum was present produced another tumult that lasted for three days.[29]

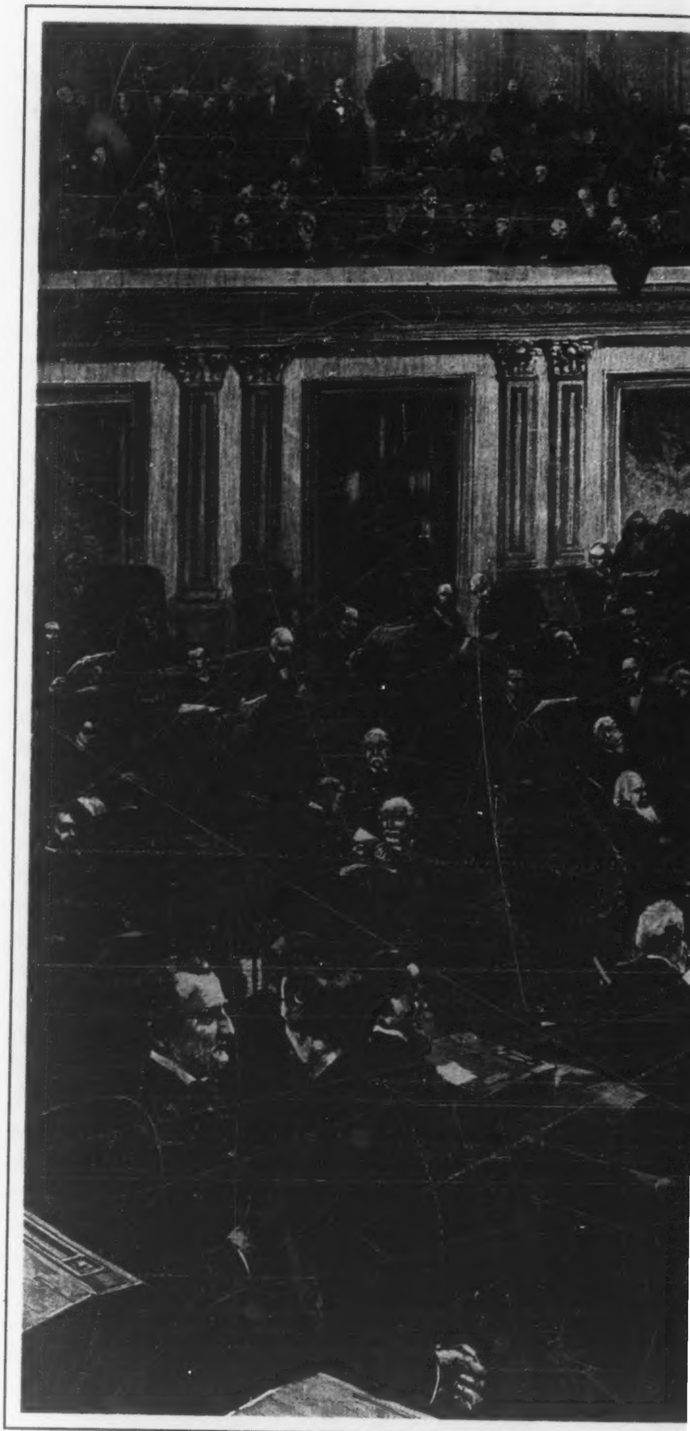
Again and again, furious Democrats demanded roll calls, and each time, the imperturbable "Czar" Reed read off the names of those present but not voting. After one climactic scene in which Reed ordered the doors of the chamber locked to prevent Democrats from escaping (enraged Democrats hid under desks, behind screens, and anywhere they could find to keep from being counted), enough Republicans showed up to constitute a quorum—two were brought in on sickbeds—and Reed's rules were approved.

The House, thanks to Reed, could now conduct its business efficiently. In the next Congress, which the Democrats overwhelmingly controlled, Reed's changes were abandoned; however, in the Congress after that, the Democrats, with a slimmer majority, saw the wisdom of his rulings and readopted them. The new rules, which became permanent, meant that party responsibility in the House had begun.

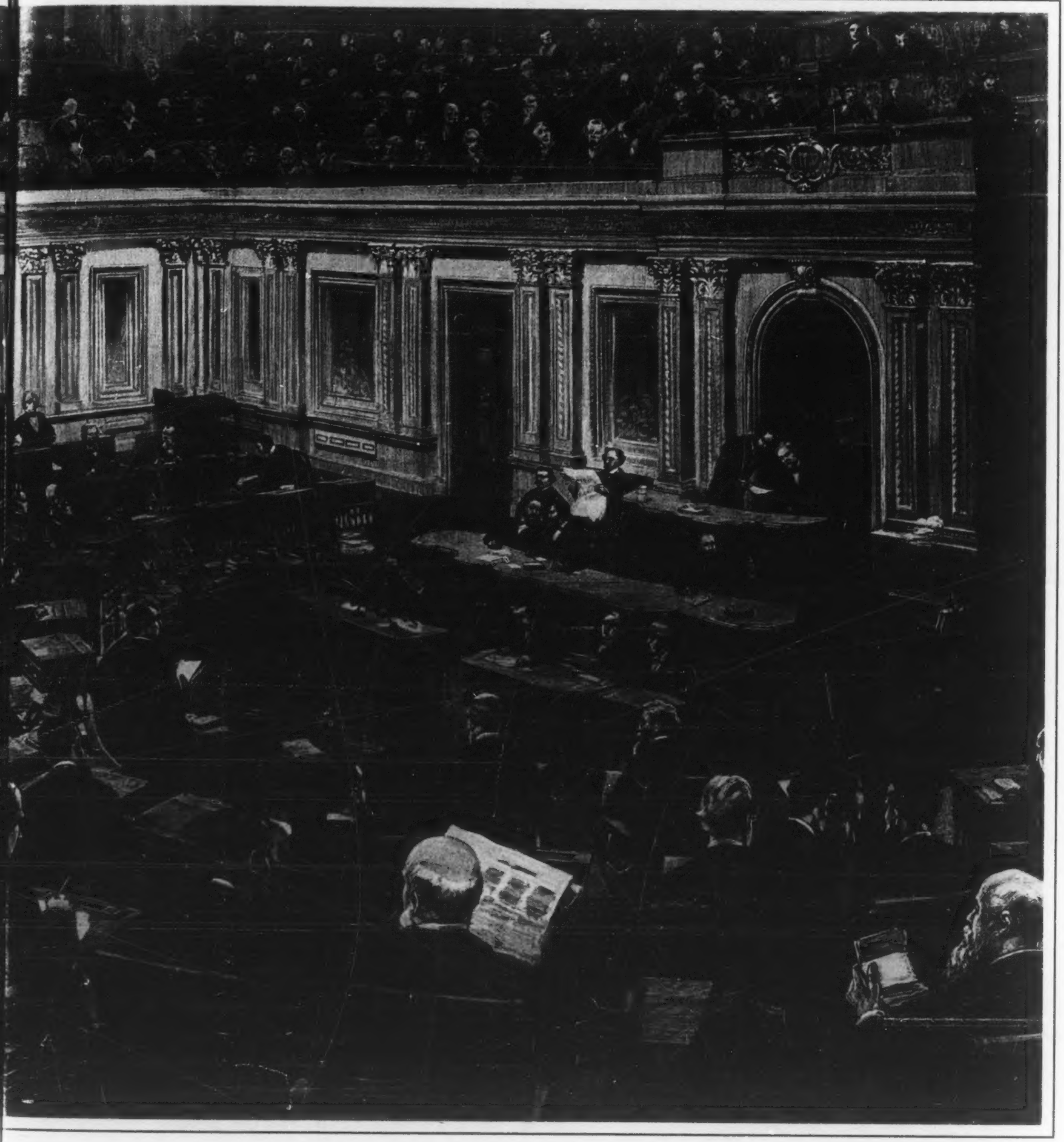
Mr. President, I mention these dramatic events in the House at length because much the same type of revolution in party control, a tightening, was brewing in the Senate. While it did not reach full flower for a few more years, until the period I will cover in my next speech, I think it is important to note that these activities had already begun in the House.

To a large extent, Reed's revolution in 1890 was motivated by the Republicans' determination—while they occupied the White House and possessed majorities in both houses—to push through legislation, particularly a higher tariff. In his first message to Congress, Harrison took up the issue that had dominated much of the campaign and he urged a reversal of Cleveland's tariff policy.

Representative William McKinley handled the measure in the House. He hoped to counteract the higher rates many powerful Republicans espoused, with a nationally oriented measure extending protectionism's favors to the West and South and to the farmer in general. He held hearings that pro-



The Senate of 1885 was depicted in an engraving by Thure de Thulstrup in *Harper's Weekly*, January 16, 1886. *U.S. Senate Historical Office*



duced a fat volume of testimony and, each night, spread his papers out on the floor of his cramped hotel room to get a view of the whole task. His planning produced the usual rate increases, though few were as important or as high as critics making political capital charged. Whatever the bill's merits, however, they were lost in a flood of abuse and misrepresentation when McKinley reported the measure on April 16, 1890. At length, House Democrats decided to let the bill pass and use it to their advantage in the upcoming fall elections. They sent the bill on to the Senate in May.[30]

Tariff struggles were hardly new to ranking senators, but every revenue measure taxed the patience and parliamentary skill of leaders in both parties. Like the silver question, with which the tariff became inextricably entwined, the tariff was a magic rock that gushed oratory and dissension for every man who struck it. "The contest over a revision of the tariff brings to light a selfish strife which is not far from disgusting," Senator John Spooner complained.

McKinley's bill went to the Senate Finance Committee, where Vermont's venerable Justin Smith Morrill presided. Some of the nation's landmark legislation bore this fierce protectionist's name; but Morrill was eighty years old and passed formal management on to Allison. The tactful Iowan had helped form the Senate substitute that scuttled the Mills bill a few years earlier but now asked the chairman to let Rhode Island's Nelson Aldrich take the McKinley bill in hand.

Nelson Aldrich had only entered the Senate in 1881 but was already a ranking member of its inner circle and a formidable expert on revenue measures. He was self-made and successful in business and politics. Suave, elegant in attire and manners, Aldrich avoided "the farce of mixing in the mock debates." He liked to pay debts with terrapin suppers and made deals while sailing.[31]

Aldrich's first major problem in handling the McKinley tariff was James G. Blaine, now secretary of state and a tariff expert, who insisted on explaining the principles of reciprocity to a skeptical Finance Committee. Blaine arrived one June day, hat in hand, and properly calm. The senators endured his lecture but coolly declined to engage in discussion. They were not about to let the president usurp their prerogatives. As Blaine rose to go, he warned, "Pass this bill, and in 1892 there will not be a man in all the party so beggared as to accept your nomination for the presidency."[32]

While Blaine worked for reciprocity behind the scenes, the Senate opened the tariff debate on July 7, and the measure's nearly five hundred amendments promised an endless struggle. Complications with free silver and the elections bill, which I shall mention shortly, made Aldrich predict a working Christmas. The windy silverites, filling pages with dull speeches on the gold conspiracy and the virtues of currency inflation, were the chief problem. They knew that they held the votes needed for the tariff. One of their number, William Stewart of Nevada, eager for high rates on wool, hides, ore, and lumber, praised the tariff extravagantly but warned, "there will be no tariff legislation this session unless a silver bill is passed."[33]

Aldrich considered a rules change that would provide for closing off extended discussion, but realized that he was outnumbered by those opposed to changing the sacred rules of free debate. He fell ill, no doubt of disgust, and Allison managed the bill after all, while rates climbed amid the rolling of political logs. The hot summer of 1890 wore on as the Senate endured discourses on nails, sulphur, and alcohol. The fruitless debate angered businessmen, irritated the public, and played into Democratic hands. "Mills continue to fail and the Senate does about as much in a week as a set of men in business would do in half an hour," a correspondent angrily warned Senator Sherman. "You are killing the Republican party as fast as you can." Another was equally candid: "Just look at the Senate, please. There it sits, day after day, like a great big nincompoop or a knot on a log, unable to move or do anything." [34]

The knot finally loosened in September when a conference committee settled details between the House and Senate versions. Inevitably, Sherman was involved, much to his disgust. "I have been hard at work for a week or more on this tariff conference committee," he wrote a friend. "I trust I will not live long enough to have any connection with another." Harrison signed the bill on October 1, and weary congressmen dispersed to campaign. The law satisfied most Republicans, but the Democrats, already publicizing each upward revision with the cry of "high tariff means high prices," predicted a GOP debacle.[35]

As I mentioned, the tariff's passage was only procured after two other major issues had been dealt with: the one was elections in the South; the other, silver. Harrison's discussion of the tariff in 1888 did not excite southerners nearly as much as his frequent allusions to "a free ballot," which forecast Republican interest in another effort to help blacks. Harrison emphasized the subject in his inaugural address and in his message to Congress in December 1889. He and other influential Republicans were angered at open southern defiance of the Constitution in suppressing and coercing black voters. Violence at the polls in 1888 and 1889 stiffened their resolve. A strong streak of political practicality also strengthened their determination. Republicans knew that ballots of black voters would add enough southern House seats to end their minority status, especially if industrialism and the appeals for tariff protection increased. The cries of lonely Republican outposts in the South stirred their northern brethren. "To be a Republican in active politics in the South is to be a foolish martyr," a Georgian wrote to Senator Sherman.[36]

In December 1889, Senators Hoar of Massachusetts and Spooner of Wisconsin canvassed colleagues and drafted an elections bill which they introduced the following April, but they passed leadership on it to the House, where Henry Cabot Lodge wished to originate the measure from his special committee on elections. While Lodge, with his social connections and Puritan lineage, seemed a strange leader for such a crusade, he proved effective. He avoided any serious prospect of military rule in the bill, relying on legal remedies rather than penalties or federal force, but still, the bill, dubbed the Force bill by opponents, was predictably despised by southerners and Democrats. City machine bosses also did not welcome the thought of federal inspectors in their wards. Mugwumps suspected popular suffrage. Labor leaders feared possible use of troops. Despite this array of opponents, Lodge shepherded the bill through the House on July 2, 1890.

In the Senate, Democrats, led by Gorman of Maryland, made good their threats to tie the measure up in filibusters, which also meant the floundering of the tariff bill. After days and days of delay, Matthew Quay of Pennsylvania led the way out of the confusion. Following heated caucus debates, he persuaded his colleagues to pass over the Force bill until the short session in December. Spooner condemned "the almighty dollar" that put tariffs above civil rights, but Hoar secured pledges from other Republicans to consider the bill later. "It will probably give us a tariff bill," said Senator Orville Platt of Connecticut, "but acquired at what a sacrifice!" [37]

True to their word, the Republicans brought the Force bill back for consideration in December of 1890, but Nevada's silver-haired silverite, William Stewart, took time from analyzing an alleged international gold conspiracy to kill it. Southern family ties fortified his dislike of federal interference in state affairs; so, he kept western senators available, and watched the calendar for his chance. On January 5, 1891, before a friendly presiding officer, Stewart moved to displace the Lodge bill with a free coinage measure. The Silver Republicans sustained him, and, at month's end, western senators defeated a final attempt to save the bill.[38]

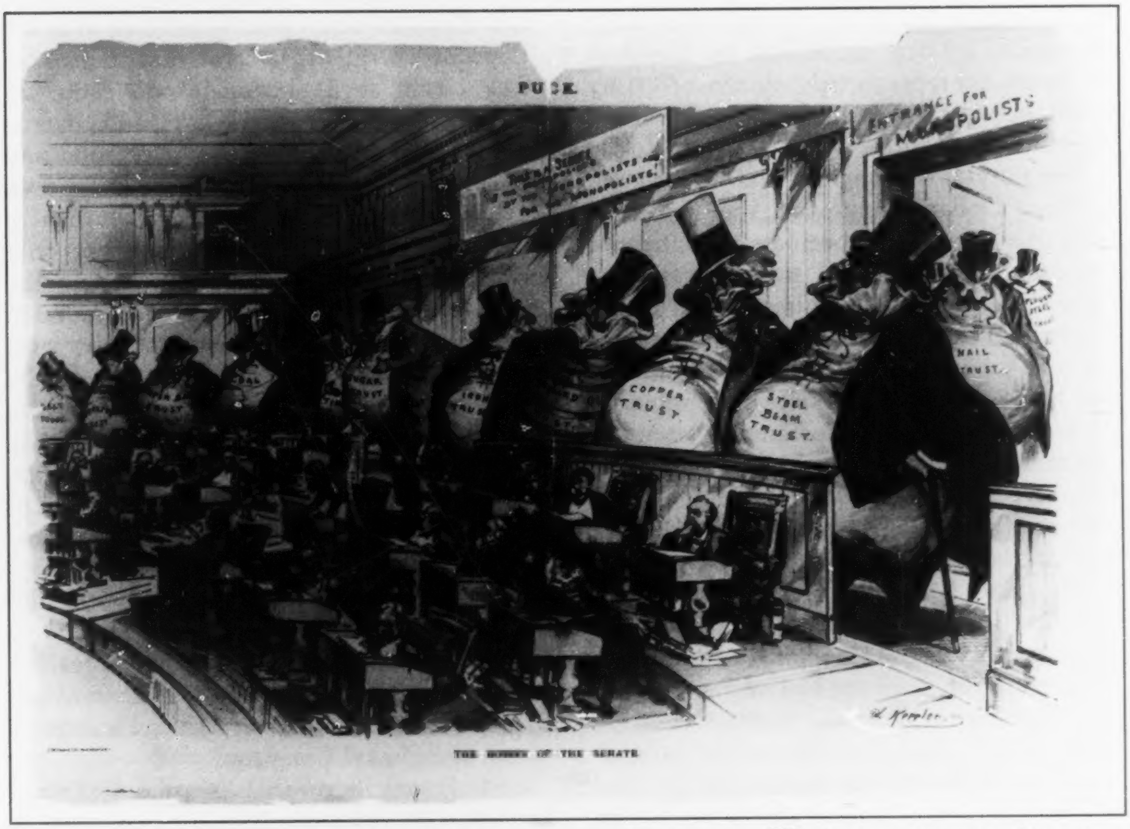
Spooner was outraged. "I am too angry to write. . . . We are fallen upon bad times for the party. The Confederacy and the western mining camps are in legislative supremacy. Think of it—Nevada, barely a respectable county, furnished two senators to betray the Republican party and the rights of the citizenship for silver. . . . We are punished for making too easy the pathway of rotten boroughs into the Union." One of Sherman's correspondents saw the debacle's real significance. "This is but another sign that *the inevitable is coming,* and that the people are more interested in money matters than in election bills." [39]

Stewart's free coinage issue tied the Senate in even more knots than had the elections bill. A renewed economic depression and a steady drop in the price of silver had strengthened the agitation of the inflationists. A proposed program for the government's increased purchase of silver had been sent to the House by the secretary of the treasury and passed, but the Senate silverites were not quite satisfied. Silver's champions held the balance of power in the upper house and were prepared to scuttle any measure, as they had the elections bill, to prove their strength.

The movement for free coinage of silver was more than an effort by Bonanza Kings, as the senators from the West were called, to raise the price of the metal they mined. It was far more widespread, embracing farmers whose income was dwindling and others feeling displaced by increasing industrialization. There was no easy political solution, but silverites were determined to keep the Senate in session until a measure, good or ill, that they favored was passed. Congressional tempers mounted and public patience grew thin. But it was clear that silver was the key—no other bill could pass the Senate before its adherents were satisfied. Powerful men attended quiet conferences, leaving the floor to those who liked debate. Sherman, Allison, Aldrich, and Platt preferred reason and persuasion. The silverites were holding the tariff hostage and they were determined to liberate it. Sherman recalled the words of Mark Hanna, a powerful Ohio Republican: "Pass the McKinley tariff and a conservative silver bill and we are all right this fall."

The resulting Sherman Act required the treasury to buy four million ounces of silver a month—the estimated American production—at market value. Treasury notes issued in payment were redeemable "in coin." The law did not threaten the gold standard for the moment but laid up future trouble with the word *coin.* Most silverites accepted the compromise. As Senator Henry Teller of Colorado said, they would take "the next best thing" to free coinage. When the news reached Stewart, he cried, "Good! and good will be the verdict of the country." [40]

One might think that, with the Sherman silver bill, the Force bill, and the tariff debates, the Congress had done more than enough for one session and could go home. Such was not the case. Exhausted senators still had to face an antitrust crusade before they rested.



Reflecting a popular impression of the relationship between the Senate and big business interests, this cartoon appeared in *Puck* magazine in 1889. *Library of Congress*

Throughout the country, public indignation had been growing against the monopolistic power of industry, stemming from the development, under finance capitalism, of pools, holding companies, and trusts that controlled various commodities. Many states had tried to cope with the trusts, but their laws were generally powerless since they could not deal with combinations engaged in interstate commerce.

When Congress convened in the winter of 1889, antitrust bills filled the hoppers, with "plenty more in the brains of statesmen seeking popularity." Sherman offered his own first draft to the Senate on December 4. After he wrangled with George Edmunds of Vermont over proper assignment, the measure passed through the Judiciary Committee and under many pencils before facing debate on the floor. The final bill declared illegal every "contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce" and prescribed punishment.[41]

Harrison signed the measure on June 26, 1890, after full congressional debate and newspaper coverage. Its obscure wording impaired its initial effectiveness, and, for years, it was used more often against labor unions than industry—quite to the contrary of Sherman's intentions. While it was eventually superseded by new legislation, the Sherman Antitrust Act represented a sincere effort by the Republicans to come to terms with industrial combination.

The Fifty-first Congress was dubbed the "Billion Dollar Congress," slightly more than that sum having been appropriated for pensions, subsidies, and pork barrel bills. House Speaker Reed dismissed the criticism of appalled citizens with the explanation that "this is a billion-dollar country," but, that fall, the Republicans—despite their unusually productive record—suffered a stunning defeat in the congressional elections. While the Senate remained in the Republican column, the GOP lost nearly one hundred seats in the House, putting it in Democratic hands. The McKinley Tariff, the heavy spending, and the agitation for the federal elections bill were all blamed.

The division between the two houses in the Fifty-second Congress during Harrison's last two years in office resulted in the passage of little significant legislation. The Republican Senate did not trouble to initiate measures certain to be defeated in the lower chamber; the House of Representatives contented itself with passing a few popgun tariff reductions, equally certain to be defeated in the Senate.

The Republicans, in 1892, renominated Harrison and the Democrats renominated Cleveland. Also in the field this time was the new Populist party, usually referred to as the Populists, with a platform that demanded free silver at a sixteen-to-one ratio, an income tax, anti-alien land laws, and government ownership of railroads, telegraphs, and telephones. In the campaign, the Democrats made capital of the recent labor disturbances and the McKinley Tariff, which not only was keeping prices high for consumers in the hard times but also was causing a decline in federal revenues from imports. At the same time, Cleveland, a strong advocate of the gold standard, gained support from eastern bankers and industrialists by campaigning against the Sherman Silver Purchase Act, which was increasing the circulation of redeemable paper currency and causing a dangerous drain on the federal reserve. On election day, the Democrats came back into power, even winning the Senate. The Populists polled a surprising one million votes. For the first time since 1859, the Democratic party took control of the White House and both branches of Congress.

Mr. President, on that happy note, I shall end here for today, leaving the Democrats in their moment of triumph. With the House, Senate, and White House all in their hands, the future looked rosy and promised the opportunity to make sweeping changes. But, as we shall see in my next address, the rosy glow quickly faded and the sunny skies turned threatening as economic catastrophe intervened.

CHAPTER 19

Currency, Foreign Affairs, and Party Organization 1893–1900

November 11, 1983

Mr. President, in my recent addresses on the history of the Senate, I have taken a chronological look at the issues with which our predecessors have wrestled. I shall continue to do so today, because, during those years at the close of the nineteenth century, the Senate continued to struggle with major issues such as currency and tariffs. Also, for the first time in many, many years, pressing questions of foreign policy and expansion arose. But, as we leave the nineteenth-century Senate for the twentieth, I think this would also be a good time to look at major changes in the evolution of the Senate's party structure on the eve of a new era. First, though, let us look at the issues.

I concluded my last address with the fall elections of 1892. For the first time in a third of a century, the Democrats, led by Grover Cleveland, took control of the White House and both houses of Congress. While the Democratic party was luxuriating in its victory, disaster struck, seemingly out of the blue. Ten days before the end of President Benjamin Harrison's term, the Philadelphia and Reading Railroad suddenly went bankrupt. Cleveland had hardly been inaugurated in March 1893, when panic struck Wall Street. Banks called in their loans; credit dried up; businesses failed daily in spectacular fashion. The Erie Railroad went down in July, the Northern Pacific in August, the Union Pacific in October, the Atchison in December. By the end of the year, "ruin and disaster ran riot over the land." Five hundred banks and nearly sixteen thousand businesses had declared themselves bankrupt. Panic deepened into a dark depression, the worst the nation had experienced. Not until 1901 could the country be said to be functioning normally, and, even then, many areas continued to suffer from the lingering effects of the depression.[1]

No one could agree on the causes of the depression. One's explanation often depended on one's political predilections. Republicans accused Democrats of having frightened the business community with reckless talk of lowering the tariff. Democrats blamed Republicans, arguing that Republican laws were still in effect when the panic began. The leaders of the new administration were convinced that the cause lay in the decline of government credit, due to the continued purchase of silver under the Sherman Silver Purchase Act and the consequent diminution of gold in the treasury. In June, Cleveland called the Fifty-third Congress into extra session to begin August 7 and, flying in the face of the free silver and southern and midwestern agrarians and inflationists in his own party, he demanded the repeal of the Sherman Act. Cleveland announced that he would keep Congress in Washington throughout the torturous dog days of summer until it complied.[2]

Unknown to the angry Congress, President Cleveland was facing a personal as well as a political crisis. On the day following his call for a special session, Cleveland underwent an operation to remove a malignant growth from the roof of his mouth. The operation was performed in great secrecy aboard a yacht slowly cruising New York Harbor. The surgery involved the removal of Cleveland's entire left upper jaw and its replacement with an artificial jaw of vulcanized rubber. It was two months before any outsider knew what had happened. The reason for the cloak of secrecy was clear. In the terrible early days of the depression, the gold-standard men looked to Cleveland for hope. Without his support, repeal of the Sherman Act would be impossible. Vice President Adlai E. Stevenson was soft on the silver question; and even a rumor of Cleveland's illness, with the possibility of a change in the chief magistracy, would raise new perils of economic uncertainty.[3]

When the extra session convened in August, the conflict in both houses over repeal was intensely bitter, opening wounds in the Democratic party and making free silver a national issue that dominated the next presidential campaign. In the House, Democrat William Jennings Bryan of Nebraska, known as the Boy Orator of the Platte, won national prominence by thundering against the president and denouncing repeal as benefiting only Wall Street. Despite Bryan's moving orations, the House, after a long and acrimonious debate, voted 239 to 109 on August 28 to repeal the Sherman Act. The White House hadn't dared hope for such a victory but knew the real trouble still lay ahead in the Senate, which was more evenly divided.[4]

The Senate Finance Committee reported the bill in favor of repeal by a bare majority of one vote. The chairman, Daniel W. Voorhees of Indiana, dubbed by newspapermen the Tall Sycamore of the Wabash, cast the deciding vote. His support for repeal came as a big surprise to the opposition—he was a longtime foe of the president and an inflationist. As Voorhees' colleagues suspected, the president had won his remarkable conversion only after delivering to him control of Indiana's entire federal patronage.[5]

The arrival of the issue on the Senate floor was the occasion for one of the longest and most heated filibusters of the nineteenth century. The silverites were determined to resist repeal to the end, and they had nearly enough votes to do it. The filibuster began on August 29.

Senate cleavage was primarily along sectional lines with the West, bolstered by the recent admissions of the Dakotas, Montana, Washington, Idaho, and Wyoming, in strong opposition to repeal. Isham Harris of Tennessee, Henry M. Teller and Edward O. Wolcott of Colorado, George G. Vest of Missouri, William M. Stewart and John P. Jones of Nevada, and Populists William Allen of Nebraska and William Peffer of Kansas all spoke passionately against repeal. Voorhees, Roger Q. Mills of Texas, Edward D. White of Louisiana, John R. McPherson of New Jersey, and John M. Palmer of Illinois led the administration forces. They were joined by Republicans William Allison of Iowa, Nelson Aldrich of Rhode Island, Justin Morrill of Vermont, and John Sherman of Ohio, after whom the original bill was named.[6]

The silverites hoped to kill the bill by talking it to death. One stupendous speech by Jones, requiring large parts of seven days to deliver, occupies one hundred of the great double-columned pages of the *Congressional Record.* Senator Stewart boasted in his *Reminiscences* that his own speeches filled between 200 and 250 pages of the *Record.* After several days of listening to these harangues, pro-repeal senators Orville Platt of Connecticut and George F. Hoar of Massachusetts began to offer resolutions for cloture by majority action; but these proposals only evoked more stormy discussions, turning the debate away from repeal to freedom of speech. Speaking in favor of cloture, Henry Cabot Lodge of Massachusetts contended that "there is another right more sacred in a legislative body than the right of debate, and that is the right to vote." Teller retorted that Lodge was alluding to a rule laid down by the despotic Napoleon III. And so it went until, in mid-October, Senator Palmer lashed out in disgust:

> I have been kept here night after night listening to speeches, not debate, listening to speeches that it is asserted in the public prints were intended to consume time, not to inform the Senate, but to consume time. I submit that except in the methods employed, in the instruments employed, there is no difference between that and revolution, that and armed resistance. There was a time in the history of this country when men chose to take up arms to resist the will of a majority.[7]

Finally, Voorhees decided to resort to continuous session to break the deadlock. After the Senate convened at eleven o'clock on the morning of Wednesday, October 11, it remained in unbroken session for thirty-nine hours until 1:45 on the morning of Friday, the thirteenth. Allen of Nebraska occupied the floor for fourteen of those long hours. Disgusted, the minority pro-repeal senators also gleefully employed dilatory motions, roll-call votes, and quorum calls to torture the unhappy majority. Sitting calmly in their seats, they refused to answer their names on roll-call votes, thus breaking a technical quorum. If a quorum was to be maintained, majority senators would have to stay in the chamber; if they slipped out for a rest, the quorum disappeared, and business came to a halt.[8]

The Senate found itself in a predicament, either ludicrous or humiliating, depending on one's point of view. We can all imagine the scene. A senator would rise to make a minor motion and demand the yeas and nays. Duly seconded, the request would result in calling the roll for a vote. Then, obstructionists, including perhaps the senator who made the motion, would remain silent when their names were called. Less than half the Senate answering to the roll call, the presiding officer would announce that no quorum was present, though a quorum sat within plain sight. As no quorum had responded to the roll-call vote, the roll would be called again merely to determine whether senators were present. This time, senators would answer; a quorum was present. But once more, a roll-call vote would elicit only a few responses; no quorum.

Joseph Dolph of Oregon sputtered in exasperation: "Mr. President, that is disorderly conduct. It is a violation of the spirit of the rules of the Senate. . . . I am myself getting very tired of this sort of thing." Imperturbable Senator Isham Harris of Tennessee, known as the Mandarin because of his long mustaches, replied: "I am sorry the Senator from Oregon is tired, and being tired I think the best remedy would be to sit down and rest. It would be a relief to him and to the Senate."[9]

The continuous session proved too much even for Voorhees, and the Senate returned to daily meetings with a night's rest in between. The filibuster continued to rage. Finally, on October 24, while Stewart, known as the Nevada Windmill, stirred the air in the Senate chamber, several other anti-repeal Democratic senators met with administration representatives in a room of the Appropriations Committee. Responding to pressure from the White House, they agreed to surrender. When Senator Dolph heard the news, he remarked, "The jig is up." The filibuster's sudden collapse caught many supporters unaware. That very morning, James Pugh of Alabama could be heard vowing to continue "until the cows come home"; and Senator Harris, who had declared that the bill would not pass until hell froze over, within a few hours "had his skates on ready to take advantage of the freshly formed sheet of ice."[10]

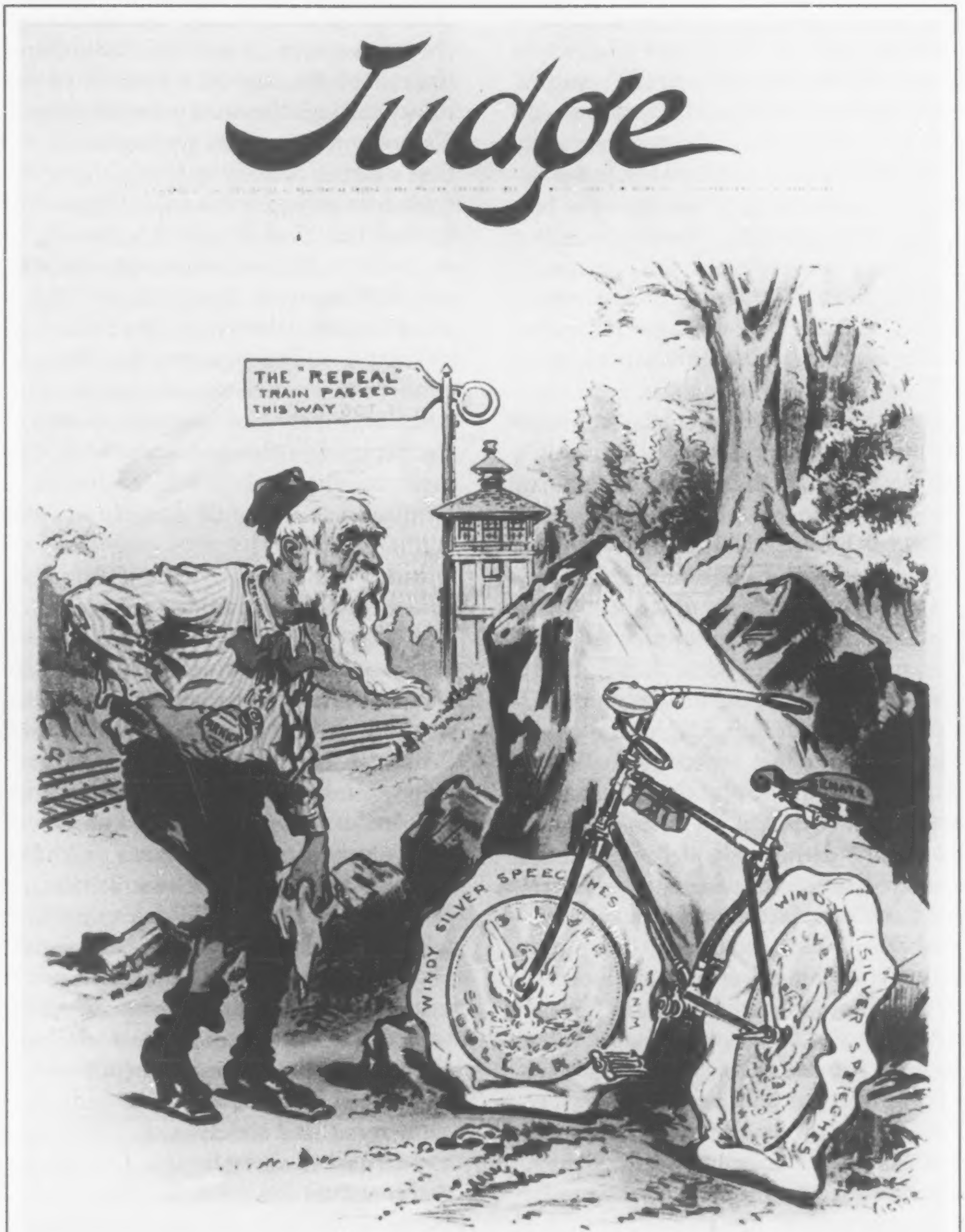
Finally, at seven o'clock on the evening of October 30, the last speech was made and the vote taken. After a forty-six-day filibuster, on a vote of 43 to 32, the Sherman Act was repealed. Cleveland and the gold Democrats had won, but at a very high price. Their party was torn in two, and the wound would be a long time healing.[11]

The split in the Democratic party was further widened during the first regular session of the Fifty-third Congress, which began in December 1893. Attention in both houses focused on the tariff. The financial panic that had begun in the East was spreading west and south. The downward spiral of farm prices had continued until corn was selling for ten cents a bushel and cotton for six cents a pound. The common man looked to Cleveland and the Congress for help. Rightly or wrongly, the Democrats were expected to live up to their platform pledge of tariff reduction, the panacea to which many clung with great tenacity.

Early in 1894, the House passed a bill introduced by William L. Wilson of West Virginia, chairman of the Ways and Means Committee, that repealed the high McKinley Tariff. The House version put sugar, iron ore, and wool on the free list, drastically reduced the general level of duties, and included an amendment providing for a tax on incomes over four thousand dollars. This last revolutionary clause was the work of the agrarians, who had long demanded that taxation be equalized.

Though it passed the House with ease, the Wilson bill encountered bitter resistance in the Senate where it was debated for five months. Forty-four Democrats, thirty-eight Republicans, and three Populists sat in the Senate. Even if the Populists voted with the Democrats, the bill would still fail if only five Democrats voted against it. Defections seemed likely. Senator David Hill of New York announced that he would never vote for a bill containing an income tax. The Louisiana senators said they would never vote for a bill under which raw sugar was admitted free. The senators from West Virginia and Alabama objected to the absence of duties on iron and steel. The western Democrats, alienated by Cleveland's insistence on repeal of the Sherman Act, promised very little help.

Cleveland had removed one of his strongest allies from the Senate by naming Senator John Carlisle of Kentucky, one of its few Democratic tax experts, secretary of the treasury on the eve of the tariff battle. Daniel Voorhees was chosen to take his place but, exhausted from the recent silver repeal fight, he lacked the stamina to battle for tariff reform. The other Democratic leaders divided into two factions: free traders from the South and West and moderate protectionists from the North and East. With Arthur Pue Gorman of Maryland to lead them, and with valuable assistance from in-


Judge
THE "REPEAL" TRAIN PASSED THIS WAY
WINDY SILVER SPEECHES
SILVER DOLLAR
WINDY SILVER SPEECHES

"BUSTED."

The free-silver statesmen only traveled on wind.

An exhausted Senator William Stewart was unsuccessful in his filibuster against repeal of the Sherman Silver Purchase Act.
U.S. Senate Curator's Office

fluential Republicans, the protectionists held the upper hand.[12]

The divided Senate Democrats compromised. A party conference approved 408 amendments, which were reported out early in May by James Jones of Arkansas. Jones officially took responsibility for the new bill, as chairman of a special subcommittee, but the administration attributed the changes to the wily Gorman. The legislation, when it passed on July 3 by a vote of 39 to 34, became known as the Wilson-Gorman Tariff.[13]

Cleveland hoped that, when the bill went back to the House, his forces would put up a stiff fight to eliminate the more obnoxious of Gorman's amendments. He even allowed Wilson to read from a letter in which the president charged the Gorman group with "party perfidy and party dishonor." The effort backfired. Gorman and Jones regarded the letter as a stab in the back; they believed Cleveland had accepted their changes as necessary compromise. They fought the president all the harder and urged their allies in the House to do the same. On August 13, they won; the House passed the Wilson-Gorman Tariff without disturbing a single amendment. Cleveland was in a dilemma. The new tariff was, indeed, a slight improvement over the McKinley Tariff, but only a very slight one. It was also the best the president could hope to get from the divided Democratic ranks. Deeply disappointed, Cleveland let it become law without his signature. (The income tax provision was included, but the next year the Supreme Court ruled it unconstitutional as a direct tax.)[14]

Throughout 1894, the economic situation remained grave. The nation's distress was highlighted by a march on Washington of Jacob Coxey's ragtag army of unemployed, and by bitter strikes of coal miners and Pullman employees. However unjustly, the Democrats were held responsible for the depression that occurred immediately after they came into office. This fact, along with the rise of the American Protective Association—one of the many anti-foreign, anti-Catholic movements perennial in the nation's earlier history in times of popular discontent—played a considerable part in producing the Democratic debacle of 1894. In that year's election, voters returned Republican majorities to both houses. The short-lived Democratic return to power had been utilized to so little purpose that the party lay condemned, without realizing it, to fifteen additional years of minority status. When the depression slowly began to lift, Republican majorities of the Fifty-fourth, Fifty-fifth, and Fifty-sixth congresses took full credit.

But, while some significant domestic legislation emerged from these congresses, for the first time in decades, the House and Senate became intensely preoccupied with foreign affairs. A new, imperialistic mood was afoot in the nation. It first became visible in the Senate in 1895, when, unsolicited, senators were moved to extend America's benevolent protection to Venezuela.

A dispute of many years' standing between Venezuela and Great Britain over the boundary of British Guiana came to a head when the British gave signs of intending to take over the contested territory by force. An inconclusive diplomatic correspondence with Great Britain terminated in Cleveland's summary appointment of an American commission to decide the true boundary. He accompanied this action with a statement that any refusal to abide by the commission's decision would be considered by the United States to be a "willful aggression upon its rights and interests."[15]

Such blunt language was popularly interpreted as a prelude to war. A flood of loose and jingoistic talk washed over the Senate, which promptly passed the requested appropriation for the commission as well as funds for three new battleships. Fortunately, the statesmen of Great Britain retained their equipoise, and, after further negotiation, the danger of war in the Venezuelan jungles was averted.

Since I will use the word *jingoism* elsewhere in my talk today, I would like to explain the derivation of this interesting term. It grew out of the 1876 debates in the English parliament over British intervention in Turkey to stop the alleged persecution of Christians there. Public sentiment was on the side of the Christians, and the following refrain was heard in London's music halls:

> We don't want to fight, but by Jingo, if we do,
> We've got the ships, we've got the men,
> We've got the money, too!

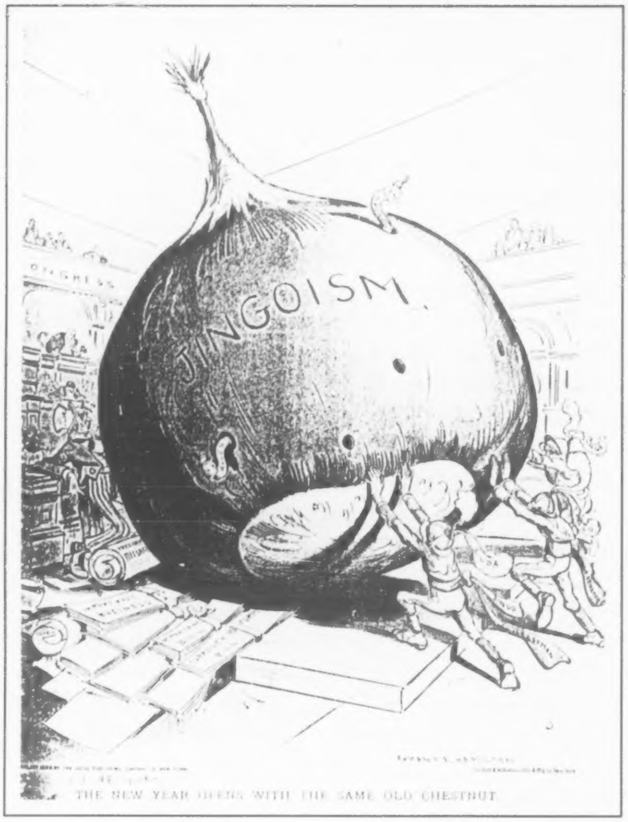
Jingoism quickly became a synonym for bellicose remarks and national cockiness.[16]

Hard on the heels of the Venezuelan crisis came a conflict with Spain over Cuba. Tension over Cuba began to build when the latest in a series of rebellions against Spanish rule broke out on the island. Americans were aroused by a steady stream of sensational anti-Spanish stories in the "yellow" journals of William Randolph Hearst and Joseph Pulitzer. Cleveland opposed American military involvement and issued a proclamation of neutrality, but certain senators decided to take matters into their own hands. Senator Wilkinson Call of Florida and Representative John Allen of Mississippi introduced resolutions of recognition: Call's resolution recognized Cuban belligerence; Allen's recognized actual independence of the island. Encouraged by the favorable public response, other senators and representatives rushed onto the floor with equally bellicose resolutions of their own. Soon, a race was on between the House and Senate for the honor of being first to pass resolutions.

The House was in so great a hurry to adopt the resolutions of its Foreign Affairs Committee, differing only slightly from those of the Senate, that it allowed only seventy minutes for debate. With each body refusing to accept the essentially identical resolutions of the other, a conference committee was appointed, which recommended the House version. There followed several weeks of debate in the Senate, during which some members revealed an ignorance of Cuban affairs and a recklessness of statement barely equaled by the "yellow" journals. Senator Sherman confused an old insurrection in 1868 with the contemporary one; Senator Lodge quoted as an actual Spanish proclamation a newspaper guess of what it might actually be; Senator Morgan introduced as evidence a letter from an unnamed and, in fact, unknown source who, he assured the Senate, was "a man of good reputation." Senator Hoar was disgusted by the whole scene. Commenting on the jingoism of Sherman, he noted that "the extraordinary excitement shown by the Senator from Ohio in this matter is no proof of any disturbance in our foreign relations, but that there is a presidential election at hand." The upshot of the lengthy debate was that the Senate refused to accept the House measure. So, the conference committee met again and endorsed the Senate version which the House was persuaded to accept.[17]

Ignoring Congress entirely, Cleveland had already offered America's services to Spain to help find a peaceful solution to the Cuban question. Spain turned the offer down. The Senate demanded copies of Cleveland's correspondence, but the president refused.

Cleveland could afford to offend the Fifty-fourth Congress. As Senator Hoar noted, a presidential election was at hand and Cleveland did not expect to be renominated. In fact, he was not, losing the Democratic nomination to William Jennings Bryan


CONGRESS
JINGOISM
THE NEW YEAR OPENS WITH THE SAME OLD CHESTNUT

A *Judge* cartoon of 1898 captured the jingoism developing in Congress. *Library of Congress*

over the issue of silver. At the Republican Convention in St. Louis, William McKinley, whose candidacy was efficiently promoted by millionaire Mark Hanna, easily defeated his chief rival, "Czar" Thomas B. Reed, Speaker of the House.

McKinley triumphed in the fall elections, beginning his term of office in March 1897 with a Republican majority in the House and a plurality in the Senate, where a group of Populists and Independents held the balance of power. McKinley named seventy-four-year-old Senator John Sherman his secretary of state, and the Ohio legislature awarded Sherman's vacant Senate seat to Mark Hanna. Many charged that this maneuver was a deal struck between McKinley and Hanna in which the unwitting Sherman, whose mind was thought to be failing in his old age, was the pawn.[18]

On inauguration day 1897, the Cuban situation looked promising. A new, liberal government in Spain proposed a plan for the virtual autonomy of Cuba without sacrificing its formal allegiance. Furthermore, the attitude of the Republican fire-eaters in Congress underwent a marked change as soon as their party actually became responsible for the conduct of foreign affairs. The war spirit might have totally subsided but for the activities of the "yellow press."

The imprisonment of Evangelina Cisneros, daughter of a prominent Cuban patriot, was reported in the *New York Journal* in lurid detail. On behalf of the señorita, William Randolph Hearst sent a petition, which was signed by hundreds of concerned American women, to the infanta of Spain. Thus, the Cuban question was still very much alive when the Fifty-fifth Congress met in December 1897.

McKinley was in a difficult position. Henry Cabot Lodge, with the influence of the Foreign Relations Committee behind him, pushed for war. He and other Republicans argued that unless their party led the war against Spain, the Democrats would have an enormously emotional issue to use against them in the 1898 midterm election. Nevertheless, McKinley's message to Congress in December was basically a peaceful one, counseling quiet negotiation and expressing the hope that the situation would improve.

The situation, however, did not improve. Members of both houses refused to wait for the diplomatic talks to conclude and again introduced resolutions supporting Cuban belligerence. Congress induced McKinley to dispatch the battleship *Maine* to Havana Harbor. On the evening of February 15, 1898, a terrific explosion rocked the *Maine,* and it sank to the bottom of the harbor with the loss of 260 men. Public hysteria was aroused by the yellow press, which, despite the lack of evidence, was quick to attribute the tragedy to Spanish agents. I might note here that, after a great deal of study, Admiral Hyman Rickover recently came to the conclusion that the *Maine* had been blasted apart by an *internal* explosion, probably caused by its own crew's inexperience in handling incendiary devices. The American people in 1898, however, did not have the benefit of Admiral Rickover's findings, and war sentiment reached fever pitch.[19]

Despite the fact that quiet negotiations were about to reach a peaceful conclusion, the House and Senate passed an emergency bill appropriating $50 million for national defense. The halls rang with Democratic resolutions demanding war. Republican leaders had a difficult time restraining the belligerency of their own members. On March 17, the militants received strong support from Republican Redfield Proctor of Vermont, who had recently visited Cuba and who confirmed the charges of those attacking Spain. The speech by Proctor, who was highly respected by his colleagues and not regarded as a jingoist, had a great effect on those who had not yet made up their minds.[20]

Swayed by opinion in and out of Congress, McKinley planned to deliver a war message on April 4, but delayed when he learned that Spain was preparing a satisfactory reply to his ultimatum. In fact, Spain's answer, submitting to the American demands, reached Washington on April 10. By then, however, McKinley had caught the war fever. Urged on by Senators Aldrich and Lodge, who argued that the Spanish assurances could not be trusted, McKinley sent his message to Congress on April 11, recommending "forcible intervention" in Cuba. A conference committee ironed out the wording of a joint resolution, and, while it was carried back and forth between the two chambers and the committee room, visitors to the galleries sang patriotic songs.

At three o'clock, on April 19, the two houses adopted the resolution recognizing Cuban independence, demanding Spain's withdrawal from the island, and empowering the president to use the military to enforce these objectives. A fourth point, included as an amendment by Senator Henry M. Teller of Colorado, disclaimed American intentions to assert sovereignty or control over Cuba, stating that the future government and control of the island would be left to its people. McKinley signed the resolution on April 20. On April 24, 1898, Spain declared war on the United States; on April 25, Congress responded with its own formal war declaration.[21]

War had come so fast and, many believed, so unnecessarily. The American demands had, in fact, been met through diplomacy. As Secretary of the Navy John D. Long wrote to a friend:

> Do you realize that the President has succeeded in obtaining from Spain a concession upon every ground which he asked; that Spain has yielded everything up to the present time? . . . If the country and Congress had been content to leave the matter in his hands, independence would have come without a drop of bloodshed, as naturally as an apple falls from a tree.[22]

Senator John Spooner of Wisconsin accurately expressed the circumstances which had impelled the nation into war:

> I think . . . possibly the President could have worked out the business without a war, but the current was too strong, the demagogues too numerous, and the fall elections too near.[23]

Despite the fact that the army was woefully unprepared, a string of swift American land and naval victories in the Philippines and Cuba forced Spain to sue for peace by the last week of July. Since the United States had presumably gone to war to rescue the

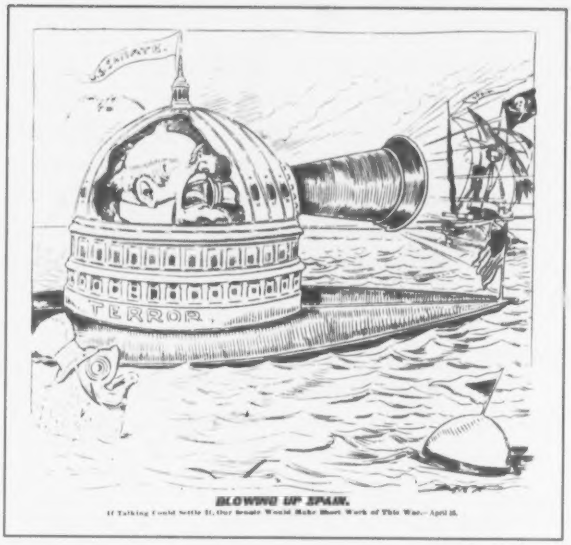
Cubans from their brutal Spanish overlords, it had come as something of a surprise when the first resort to arms took place six thousand miles away in the Philippines, another Spanish possession. When it came time to negotiate the peace settlement with Spain in Paris in December 1898, it was the Philippines that divided the nation and the Congress in a new controversy over imperialism and moral right and wrong.

McKinley tried to pack the five-man American commission to the peace negotiations with expansionists such as Senators William Frye of Maine and Cushman Davis of Minnesota. Only one member, the lone Democrat, Senator George Gray of Delaware, was an outspoken anti-imperialist. He cabled McKinley a vigorous protest about his fellow members' stridency, maintaining that the war had been to assist oppressed subjects of Spain to achieve their freedom.

This was exactly the sort of appeal that might be expected to carry weight with the president, a very religious man. But McKinley found arguments of equal moral gravity on the other side. As he later told a group of fellow Methodists:

> I walked the floor of the White House night after night until midnight; and I am not ashamed to tell you, gentlemen, that I went down on my knees and prayed Almighty God for light and guidance more than one night. And one night late it came to me . . . we could not leave them [the Filipinos] to themselves—they were unfit for self-government . . . there was nothing left for us to do but to take them all, and to educate the Filipinos, and uplift and civilize and Christianize them, and by God's grace do the very best we could by them as our fellow men for whom Christ also died. And then I went to bed and went to sleep and slept soundly.[24]

When the third session of the Fifty-fifth Congress convened in December 1898, the Senate was confronted with a peace treaty that provided for the cession of the Philippines to the United States in return for a payment of $20 million. Sharp debate broke out between imperialists and anti-imperialists, the latter composed mainly of Democrats, Populists, and a few New England Republicans.


U.S. SENATE.
TERROR.
BLOWING UP SPAIN.
If Talking Could Settle It, Our Senate Would Make Short Work of This War.—April [illegible]

Threats of war and then war itself consumed the Senate's attention in the spring of 1898.

U.S. Senate Historical Office

Even as the debate raged, disillusioned Filipinos rose in revolt against the United States which, they believed, had promised them independence. The ruthless suppression of natives by American troops and the crushing of the independence movement intensified congressional soul-searching over this latest stage of American expansionism. The most eloquent defender of the president's policy was Indiana's new Republican senator, thirty-seven-year-old Albert Beveridge, who, with his maiden speech on the Philippine question, leapt to national fame. "The Philippines are ours forever," began Beveridge:

> And just beyond the Philippines are China's illimitable markets. We will not retreat from either. We will not repudiate our duty in the archipelago. We will not abandon our opportunity in the Orient. We will not renounce our part in the mission of our race, trustees under God, of the civilization of the world. . . . God

Young Albert Beveridge of Indiana was an eloquent, outspoken imperialist on the Philippine question.

Library of Congress

> . . . has marked us as His chosen people, henceforth to lead in the regeneration of the world. . . . He has made us the master organizers of the world to establish system where chaos reigns. . . . He has made us adept in government that we may administer government among savages and senile peoples.

Beveridge went on to enumerate with zest the riches of the islands: rice, coffee, sugar, coconuts, hemp, tobacco, "mountains of coal"—all awaiting development by American capital. He lightly brushed aside the objections of the natives. "It is barely possible that a thousand men in the archipelago are capable of self-government in the Anglo-Saxon sense."[25]

Thunderous applause from both the Senate floor and the galleries greeted Beveridge when he concluded, but some senators questioned whether the acquiring of far-distant lands of people of different backgrounds violated American principles. George Hoar of Massachusetts, seventy-two years old, rose and, in a voice quavering with rage and emotion, delivered his verdict upon Senator Beveridge's speech:

> I have listened, delighted, as have, I suppose, all the members of the Senate, to the eloquence of my honorable friend from Indiana. . . . Yet, Mr. President, as I heard his eloquent description of wealth and glory and commerce and trade, I listened in vain for those words

> which the American people have been wont to take upon their lips in every solemn crisis of their history. I heard much calculated to excite the imagination of the youth seeking wealth or the youth charmed by the dream of empire. But the words Right, Justice, Duty, Freedom were absent, my friend must permit me to say, from that eloquent speech.[26]

The debate over imperialism continued into the Fifty-sixth Congress. Maintaining that the "Constitution follows the flag," anti-imperialist Democrats argued that the new territorial acquisitions were an organic part of the United States and entitled to all constitutional guarantees, including the right of free trade with the rest of the nation. Republicans argued that the new possessions were dependencies, and that Congress could make rules for them in any way it chose. At issue was Puerto Rico, and the Republicans won their point. Puerto Rico was declared an unorganized territory, with a governor general and upper house appointed by the president.

In the last session of the Fifty-sixth Congress, attention shifted back to Cuba, where the whole issue of imperialism had arisen. Though the Teller Amendment had disclaimed American intentions of asserting control over the island once Spain was ousted, difficulties arose when the newly liberated Cubans wrote a constitution declaring themselves a sovereign and independent nation. Congress now balked at a total American withdrawal, fearing the Cubans' inability to govern themselves and wishing also to protect American strategic and business interests on the island.

Republican Orville Platt of Connecticut introduced an amendment to the army's appropriation bill providing for additions to the Cuban constitution. Among them were a prohibition against that country's entering into a treaty with any foreign power that would impair its independence; a limitation on the Cuban public debt; the right of the United States to intervene in Cuba, at any time, to safeguard "life, property, and individual liberty"; and an agreement to sell or lease certain areas for American naval or coaling stations.

The Platt Amendment was agreed to during the final hours of the Fifty-sixth Congress on March 2, 1901. Under American pressure, Cuba added the provisions to its constitution, becoming, in effect, a quasi-protectorate of the United States. The Platt Amendment was, of course, in flat opposition to the promises made by the Teller Amendment, but the latter had been adopted before the war; the former, after, amidst the intoxicating fumes of victory and national aggrandizement.[27]

Two days after the adoption of the Platt Amendment, William McKinley was, for the second time, inaugurated president of the United States, with healthy Republican majorities in both the House and Senate. The period following the Spanish-American War had been one of outstanding economic prosperity for everyone, even the nation's farmers, a fact that McKinley and his running mate, the exuberant Theodore Roosevelt, never failed to point out. The Republicans' symbol of the "full dinner pail" was a potent one. The nation entered the twentieth century prosperous and proud—a world power.

The national hubris was reflected in the Senate, which entered the era newly organized and strong—as what we might all recognize as the modern Senate.[28] A third thread running through the fabric of these years, 1893–1900, was that of the emergence of political party organization in the Senate.

In 1885, when Woodrow Wilson, finishing his graduate work at Johns Hopkins University, wrote his dissertation on the American Congress, he lamented the lack of party control in the Senate. Such control, he was certain, was what made the British parliament a more effective body than its American counterpart. Senators were free to perform their duties as they saw fit. On any specific political question, they could act with impunity. "No one," wrote Wilson, "is *the* Senator. No one may speak for his party as well as for himself; no one exercises the special trust of acknowledged leadership. The Senate is merely a body of individual critics. . . . The weight of every criticism uttered in its chamber depends upon the weight of the critic . . . deriving little . . . gravity from connection with the designs of a purposeful party organization." [29]

So, the Senate, in some ways, has not changed very much. That may be a startling statement to a lot of people, but not startling in the face of history. In 1885, party leaders within the Senate could neither discipline their members nor drive malcontents from their party's ranks. It is much the same today in that respect.

With no single leader to encourage regularity and no caucus to formulate party consensus on major issues, there was little chance for bringing order to the business of the Senate.

In 1902, less than two decades after Wilson lamented the lack of party discipline, Russian-born, French-educated political scientist Moisei Ostrogorski claimed that the Senate of the United States no longer bore any resemblance to that august assembly which provoked the admiration of de Tocqueville. The reason, he felt, for what he considered the decline in independence of its members, was obvious: the dominance of party organization. "The Caucus," he concluded, "was one of the principal, if not the principal agent of the fall." [30]

What had happened in the intervening fifteen years to create such different impressions? Within these years, party organization transformed the Senate until it barely resembled its predecessors. The Senate at the turn of the twentieth century seemed to have more in common with the institution that Presidents Eisenhower and Carter confronted, than with that of the Jackson or Grant eras. In terms of party organization, it was a Senate more recognizable to me and fellow senators today than to our early predecessors, William Maclay and Oliver Ellsworth. The Senate, for better or worse, has become "modern." One of the best analyses of how this transformation took place appears in an excellent book entitled *Politics and Power: The United States Senate, 1869–1901,* written by historian David Rothman.

On the Republican side of the aisle, the skills of such leaders as William Allison, Nelson Aldrich, and their handpicked allies helped to alter Senate practices. The dimensions of those changes, and their role in bringing them about, were most vividly illustrated in the Fifty-fifth Congress, which convened in March 1897.

The first duty facing the Republicans, the majority party, that year was to elect a caucus chairman to succeed John Sherman, who had just entered McKinley's cabinet. Since seniority determined the decision, the choice was easy. William Allison, sixty-eight years old, who had served in the Senate for twenty-five years, longer than any of his other Republican colleagues, succeeded Sherman.

With Allison chairing the caucus, the faction that he and Aldrich dominated came to power. In the course of their rule, they established and clarified the authority that party officers could wield and made the caucus crucial to the control of Senate business. They institutionalized, once and for all, the prerogatives of power. Would-be successors or rivals would now be forced to capture and effectively utilize the party posts if they hoped to lead the Senate. Allison outlined the new rules: "both in the committees and in the offices, we should use the machinery for our own benefit and not let other men have it."[31]

The members of the new ruling circle were a diverse and interesting group. The best place to meet them all together on a weekday night was at the home of Senator James McMillan, the Michigan shipping and manufacturing magnate. In his imposing residence on Vermont Avenue, McMillan had a handsome bronze-colored den, complete with tables for billiards and cards. This was where the "philosophy club," an informal group of prominent Republicans, gathered for post-dinner games of poker. These sessions had begun sometime around 1890, before the group's political supremacy, but they took on a new significance after Allison assumed the party post.[32]

McMillan was host. Allison, his closest friend, was always present, and Aldrich attended regularly, his skills at the poker table proving as outstanding as his talents in the Senate. He was "hell on jackpots" and the most frequent winner. Maine's Eugene Hale and both Connecticut senators, Joseph Hawley and Orville Platt, were members, and Ohio's Mark Hanna took a place soon after entering the Senate. George Wetmore, Aldrich's colleague and staunch supporter from Rhode Island, also joined. John Spooner, the handpicked successor to Wisconsin's millionaire lumberman, Philetus Sawyer, looked forward to the club's meetings and missed them greatly whenever he was away. Of the other "philosophers" he noted, "If I were President I think I should want them to be in the Cabinet, and if either of that crowd were President I think I should want to be in the Cabinet."

The harmony that united McMillan's guests prevailed on the Senate floor where they joined to further each other's aims, support their favorite legislation, and consolidate their power. In the early twentieth century, Allison, Aldrich, Platt, and Spooner would become known as The Senate Four, but they received valuable aid from their fellow "philosophers" in organizing party discipline in the Senate.

Utilizing and extending the privileges of the caucus chairman, Allison secured tight control over the Senate proceedings. One of his first duties in 1897 was to select the chairman and members of the Republican Steering Committee. Previous caucus leaders had usually appointed other senators to head that panel; Allison, however, invariably chaired the committee himself. Allison also regularized practices that predecessors had followed only erratically. Prior to 1897, members of the Steering Committee had been replaced at the start of each Congress. Allison, concentrating authority, habitually named the same senators, and those senators were always his friends. In 1902, when Ostrogorski published his comments on caucus rule, Allison, Aldrich, Hale, McMillan, Platt, Spooner, and Hanna served on the Steering Committee.[33]

After filling the Steering Committee, Allison turned to the Committee on Committees and again found places for his friends. Most Senate legislation was shaped by the working committees, and the increasing complexity and widening scope of Senate action after the Civil War increased their prominence. The Allison-selected Committee on Committees was fully cognizant of the implications of its decisions. "If we do not meet until we meet in Washington," Allison wrote to Spooner in 1899, "I hope you will be there at least some days before the opening of the session as it is of utmost importance that we should make no mistake in reorganizing the committees of the Senate."

Under Allison's rule, before the first session of each new Congress, the Committee on Committees gathered in the chairman's office, immediately directing the secretary to dispatch a note to all Senate party members.

"In behalf of the Republican Caucus Committee on Committees," dictated Eugene Hale when chairman, "I would be glad to learn from you what your preferences are in the matter of Committee assignments. . . . An early answer will facilitate our work." Once the replies were received, the group set about its business in private meetings, without keeping minutes. The unwritten rules of seniority were recognized in determining committee chairmanships, but the committee was very careful when assigning new members to a committee; the committee assignments of one year would affect chairmanships ten years later.

Senators learned to appreciate being asked what committee places they would like. They realized that, if left to chance, they might be disappointed. But to inform the caucus committee, as did Indiana's Charles Fairbanks in 1897, that Appropriations was his first choice, followed by Foreign Relations, Finance, and Judiciary, only publicized an ignorance of realities. It was, of course, Fairbanks' freshman year, and none of his requests was granted. More seasoned senators learned to concentrate on one preferred assignment.[34]

Success in attaining a coveted committee position ultimately depended upon winning the favor and support of the powerful leaders—a fact made plain to the youthful and popular Indiana senator, Albert Beveridge. In 1899, Beveridge received Indiana's second Senate seat, despite opposition from Fairbanks, then in alliance with Aldrich and Allison. Word went out, friends informed Beveridge, "that you belong to the genus mugwump." Frantic that, if the impression was not corrected, he would not receive favorable committee assignments, Beveridge began a campaign to polish his tarnished image and win Allison's favor. With no attempt at modesty, he wrote the caucus chairman outlining his qualifications: the study of international affairs and a recent trip to the Philippines—that was Foreign Relations; knowledge of constitutional law—referring to Judiciary; close working relationship with Indiana bankers—Finance. Not content to let his abilities stand alone, Beveridge assured Allison of his personal loyalty and subservience, declaring, "I leave my fate in your hands." He concluded his request saying: "I feel that the greatest single point is gained in the possession of your friendship. . . . I will labor very hard, strive very earnestly to deserve your consideration."

For all these efforts, Beveridge did not immediately gain the committees of his choice, but he kept trying. "As I have said to you before," he continued to remind Allison, "I value your intimate acquaintance and friendship most highly. If I can have that, I feel that my opportunities for usefulness in the Senate will be increased and the probability of my mistakes lessened." Perseverance was finally rewarded; soon, Beveridge was placed on the Steering Committee and on the committees he most wanted.

Through exacting oversight, Allison and his supporters dominated the Senate committees as effectively as they did the party organization. Allison himself chaired Appropriations and was second on Finance; Aldrich headed Finance and also sat on Rules, Commerce, and Relations With Cuba; Platt and Spooner both served on Finance and Judiciary; while Spooner chaired the Rules Committee. Hale was a member of Appropriations and headed Naval Affairs, while McMillan occupied places on Commerce and Cuba, and chaired the District of Columbia. Seldom in the history of the Senate, to that time, had the major committees been so monopolized by the party leaders.

Control of the Steering Committee also strengthened the power of the Allison-Aldrich faction over the Senate's business. Arranging the legislative schedule in detail week by week, the committee extended the party leaders' authority unimpaired from the caucus to the chamber. Senators knew that they had to consult the committee before attempting to raise even minor matters.

The efficiency that marked the distribution of committee assignments was equally evident in ordering the program of business. The Steering Committee requested the chairmen of working committees to list bills warranting immediate consideration and carefully studied their replies. Subsequently, it informed the caucus which measures were to be taken up and the order of discussion.

The caucus meetings usually proceeded harmoniously, pointing to the effectiveness of the Senate leaders. Meeting frequently at the start of the session, party members approved the slate presented by the Committee on Committees, no matter how decidedly it favored the ruling circle, and sanctioned the order of business. The once traditional task of voting on the distribution of Senate patronage—the secretaries, doorkeepers, and other minor officials—was now unnecessary; rather than encourage intraparty competition, each senator simply received an equal share of the offices.

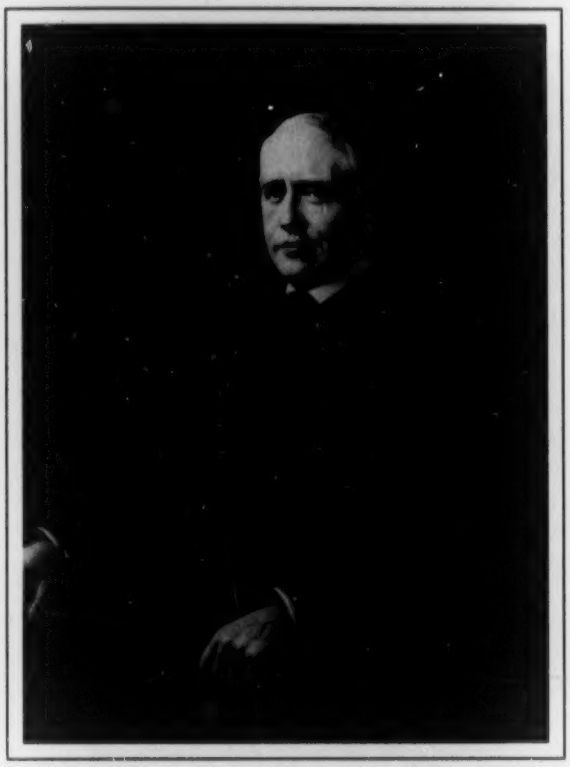
Allison and Aldrich firmly maintained Republican unity, effectively dispensing rewards and promoting their friends. Senators who joined the alliance soon occupied vital committee positions, while dissidents were excluded from influence. Those outside the circle could use the chamber as a forum and address the nation. But, while the country might honor their names, the Senate barely felt their presence.

Republican ranks were not always to remain as united as they were under the leadership of Allison and Aldrich. Their successors often failed to harmonize fractious or discordant members, but the opportunity for effective party control was clearly established.

"Men who have personal independence of character," complained Democratic Senator John Daniel in 1890, "when they become allied in political organizations and under the influences which are brought to bear about the great Capitol . . . bow and bend and surrender." Daniel concluded that the Senate Democratic organization, like the Republican, improperly dominated its members. Arthur Pue Gorman, however, the only Democrat comparable in stature to Allison, took more pride than Daniel in party government. In 1894, he concluded that, without an effective caucus, "we should have passed through the session with divisions as wide upon this side as it is possible to conceive of within a party." [35]

Gorman served in his youth as a Senate page, having come to the attention of Senator Stephen Douglas, who became his friend and political mentor. His early introduction to politics later helped guide him through the intricate alignments of Maryland's Democratic party. Prudently joining one faction and then moving over to its rival, Gorman chose sides so well that, by 1880, he commanded the state organizations and won election to the Senate. Nine years later, he chaired the Democratic caucus.

Horace Chilton, an observant Democratic senator from Texas, immediately sensed that Gorman was "the most influential man of the Democratic side." Resembling a "dignitary of the Church," with a smooth-shaven face, Gorman was extraordinarily discreet and wary. Gorman's policy decisions were often, said Chilton, "the reflex of Democratic opinion." He quickly added, "it must not be supposed that he was not a powerful agent in finding the common ground and leading his colleagues to enter upon it. He was indefatigable in his attention to all Democratic Senators," invariably employing "the ingratiating influence of hospitality, favoring Senators in regard to Committees,



Arthur Pue Gorman of Maryland was the unrivaled leader of Senate Democrats in the 1890's.
Architect of the Capitol.

helping them concerning pet measures." Chilton described Gorman's subtle tactics:

> For if a man recognized as a leader, shows interest in the personal convenience of a Colleague—if he interests himself to get you a good seat, if he picks an opportunity of helping you to do something of decided importance to you, if he bestirs himself to get you a congenial Committee assignment, you are sure to want to reciprocate.

Gorman rarely forgot a debt. Chilton slyly noted, "He has a well organized mind."

The practices of the two Senate parties in the 1890's were similar. Gorman chaired the Democratic caucus and, like Allison, chaired the Steering Committee and selected its members at will. Unlike Allison, Gorman himself chaired the Committee on Committees, preferring not to delegate responsibility. Increasingly, he named the same men to help arrange the slate and determine the order of business; thus, even fewer Democrats than Republicans controlled their party's offices.

Gorman's Senate allies held the positions of influence. Francis Marion Cockrell of Missouri, who supported Gorman for president at the 1892 Democratic Convention, served on both the Steering and Appropriations committees. His appearance, always in a white linen duster with a well-chewed corncob pipe in his mouth, belied his stature as one of his state's outstanding attorneys; still, his sympathies for the rural populace were real. The Populist strength in Missouri augmented his power, and Cockrell continued to win reelection after reelection without difficulty. Kentucky's Joseph Blackburn, another promoter of Gorman for president in 1892, also served on Steering and Appropriations. Son of a wealthy planter and successful politician, he practiced law and served a long and distinguished career in the House before moving to the Senate.

Equally comfortable in both committee rooms was Gorman's good friend, Calvin Brice of Ohio. Beginning his career as a first-rate railroad attorney, Brice went on to head his own international railroad syndicate. Like Republican Mark Hanna, Brice served his party first as Democratic National Committee chairman and then as senator. Edward Walthall, protégé of respected Mississippi Senator L.Q.C. Lamar, came to the Senate after President Cleveland appointed his patron to the Supreme Court. A loyal Gorman follower, Walthall soon received a place on the Steering Committee as well as on Finance. By the time the Democrats controlled the Fifty-third Congress, a majority of the party's Steering Committee had worked for Gorman's nomination at the 1892 Democratic Convention.

California Democrat Stephen White, hoping to achieve Senate influence, used the same tactics on Gorman that Beveridge had practiced on Allison. Appreciating the importance of valuable committee assignments after his election in 1893, White methodically set out to fulfill his ambitions, emphasizing to Gorman that he was "the only democratic senator from this part of the United States"; that he "had about as much experience as most men of my age in litigation"; and was "capable of doing a good deal of work." White asked for places on Commerce, Foreign Relations, and Judiciary. His persistence paid off. He won seats on both Finance and Commerce during his first term and was eventually rewarded with a place on the Steering Committee. Knowing the rules of the game obviously helped on both sides of the aisle.

Although his allies were loyal, Gorman never attained the power that Allison and Aldrich wielded. The harmony shared by Republican leaders was not duplicated within the Democratic ranks. On too many substantive issues, key Democratic senators divided. Attempts to enforce a party position often met the vigorous protests of those closest to power, and Gorman could do little to instill discipline when members of his own coterie disagreed.

Perhaps, if Gorman had served regularly as majority chairman, he might have strengthened his position. As leader of the minority, however, the Maryland senator bestowed rewards of lesser significance. Republicans, not Democrats, dominated the chamber and effected most of the changes of those years. Realizing the powers and potentialities of party unity and leadership, they transformed the character of the institution.[36]

As we have seen, the Senate experienced the most vital changes in its history, to that point, during the quarter century that followed the end of Reconstruction. Both parties became firmly established, and a new concern for order and discipline accompanied their stability. The increased importance of party government sharply differentiated the institution at the opening of the twentieth century from earlier times. The new Senate was a more cohesive and formidable force with which future presidents would have to reckon.

CHAPTER 20

The Progressive Era 1901–1912

February 3, 1984

Mr. President, at the close of the Fifty-sixth Congress, on March 4, 1901, members of the House of Representatives, the Supreme Court, the cabinet, high-ranking military officers, and other dignitaries filed into the Senate chamber to witness the swearing in of the new vice president of the United States, forty-two-year-old Theodore Roosevelt. The young vice president was a familiar face to most of those in attendance. For many years, he had resided in Washington as chairman of the Civil Service Commission and later as assistant secretary of the navy. During the war with Spain, in 1898, Roosevelt had led his Rough Riders to glory at the Battle of San Juan Hill. Triumphantly, he returned to be elected governor of New York. He was a cowboy and a scholar, a physical fitness advocate and a naturalist, a reformer and a party loyalist. Above all, young Teddy Roosevelt was an unpredictable and impetuous enthusiast for numerous ideas and causes. His unflagging energy and capacity for practical reforms made the elders of his party extremely nervous. At the Republican Convention in 1900, they found the perfect place to temper his ardor: they nominated him for vice president. With a little luck, they felt, he would never be heard from again.

Vice President Roosevelt delivered his inaugural address a few minutes after the opening of the Fifty-seventh Congress. We can imagine him standing in this chamber at the presiding officer's desk: his pince-nez perched squarely on his nose, his high pitched voice, his arm pointing skyward in dramatic gesture, addressing the members of the Senate:

> Senators, the history of free government is in large part the history of those representative legislative bodies in which, from the earliest times, free government has found its loftiest expression. . . .
>
> A great work lies ready to the hand of this generation; and thrice happy is the generation that to it is given such a work to do. A leading part in the work must be taken by this august and powerful legislative body over which I have been called to preside. Most deeply do I appreciate the privilege of my position, for high indeed is the honor of presiding over the American Senate at the beginning of the twentieth century. [1]

Those were fine words, Mr. President, but, in fact, Theodore Roosevelt presided over the Senate only five days during the special session of the Fifty-seventh Congress. The

Although a prototype of the "positive-activist" president, Theodore Roosevelt worked cautiously to achieve consensus on his legislative programs. *Library of Congress*

Senate adjourned on March 9 and did not return to regular session until December 2, 1901. In the interim, President William McKinley was assassinated in September at the Pan-American Exposition in Buffalo.

The president had been shaking hands in a receiving line when a slim young man with a bandaged hand stepped up. The bandage concealed a pistol, which he fired twice at the president. President McKinley lingered a week before he died of gangrene and infection—apparently as much a victim of medical incompetency as of assassination. His last words were the title of that old hymn, "Nearer My God To Thee."

The president's assassin was a self-proclaimed anarchist, Leon Czolgosz, who opposed all men in power and authority. The son of Russian·Poles who had come to the United States forty-two years earlier, Czolgosz had been deeply influenced by labor unrest in the coal fields of Pennsylvania and West Virginia. The treatment of Slavic miners in the Latimer Mines Massacre, in 1897, particularly strengthened his anarchistic tendencies.

It is instructive to note the terrible and swift sword of justice in those days. Czolgosz went on trial on September 23, nine days after William McKinley died. He was convicted of murder the next day and electrocuted one month and five days later, on October 29, 1901.

Former President Grover Cleveland eulogized President McKinley. "All our people loved their dead president," said Cleveland. "His kindly nature and lovable traits of character, and his amiable consideration for all about him will long live in the minds and hearts of his countrymen." Parenthetically, it is interesting to note that Cleveland, whose operation for cancer of the mouth in 1893, which I described in my last address, had outlived his successor. Former President Cleveland retired to a home near the Princeton University campus where he died, in 1908, at the age of seventy-one, from ailments unrelated to that disease which nearly claimed his life during his presidency.

Now, with McKinley dead, "that damned cowboy," as Senator Mark Hanna called Roosevelt, was in the White House. And the first order of the new session was to receive the message of the president of the United States, Theodore Roosevelt. Running over thirty thousand words, Roosevelt's message filled twelve pages in the *Congressional Record.* Some called it a conservative message and a continuance of McKinley's program, but in it we can see the seeds of a new activist administration by a progressive president. Roosevelt asserted that the old laws and customs concerning the concentration and distribution of wealth were "no longer sufficient." He saw trouble ahead in the development of large-scale industry and called for national supervision of corporations, a new cabinet department for commerce and industries, and revision of the Interstate Commerce Act to equalize railroad rates for all shippers. He advocated protection of our natural resources, protection of forest reserves, and reclamation and settlement of arid lands.[2]

Here was the beginning of one of the greatest periods of reform in American history. Theodore Roosevelt was the prototype of what political scientists call a "positive-activist" president. He altered public expectation of what a chief executive should do and how he should lead. He changed the way the press reported on the presidency. He began a shift of power and attention from Capitol Hill to the White House that culminated in the "imperial presidency" of our own time. Quite a difference from the words of the youthful vice president who expected to preside over the "august and powerful" Senate.

Theodore Roosevelt grew to such a monumental figure, both during his own lifetime and in the histories and folk tales ever since—with his gleaming teeth, big stick, and even the Teddy Bear, named for him—that he obscures our view of how august and powerful the United States Senate really was during his term; how mightily he had to struggle to enact his programs; and how frequently he had to compromise with the conservative senators who controlled this body. The purpose of my remarks today is to focus on the powerful leaders of the Senate of that era and on the great struggle that took place in this chamber between the defenders of the status quo and the champions of reform.

Four men were dominant in the Senate during those first years of the twentieth century. "The Senate Four," were Nelson W. Aldrich of Rhode Island, William B. Allison of Iowa, Orville H. Platt of Connecticut, and John C. Spooner of Wisconsin. Visitors to the office of the Republican Leader will notice a large photograph of The Senate Four, seated together in wicker chairs and rockers on the porch at Senator Aldrich's estate in Newport, Rhode Island, in 1903, attesting that they were close personal friends who socialized in private as well as collaborated in public. Professor Horace Samuel Merrill and Marion Galbraith Merrill have written a spirited analysis of The Senate Four in their book, *The Republican Command: 1897–1913.* The Merrills describe these powerful senators as "hard-working, knowledgeable, experienced, professional politicians. . . . The Four educated each other, helped each other, protected each other. . . . The Four arrived at their collective decisions through frequent informal conferences among themselves, often held in Platt's simple but comfortable apartment." Longtime *New York Times* reporter Charles Willis Thompson,

The Senate Four, *left to right*, Orville H. Platt, John C. Spooner, William B. Allison, and Nelson W. Aldrich met informally at Aldrich's Newport, Rhode Island, estate in 1903. *Library of Congress*

who covered the Senate at the turn of the century, corroborated the Merrills' assessment. "The four bosses of the Senate can and do control that body," Thompson wrote. "This means that these four men can block and defeat anything that the president or the House may desire." [3]

Senator Aldrich chaired the Senate Finance Committee, Allison was the chairman of the Appropriations Committee, Spooner chaired the Rules Committee, and Platt chaired the Committee on Cuba. All four were members of Aldrich's Finance Committee. "They ruled as they pleased and wielded the rubber stamps they appropriated from the committee rooms," the Merrills noted. As one Republican senator wrote to William Allison: "I consider the interests of the Government as embodied in you and Senator Aldrich. What you say goes. Kindly keep me posted as to what you do, so that I may not go astray." [4]

Nelson Aldrich, by the way, was the grandfather of former Vice President Nelson Aldrich Rockefeller and the great-grandfather of the current governor of West Virginia, Jay Rockefeller. Senator Aldrich was perhaps the most powerful member of The Four. A handsome man with piercing eyes and a flowing white mustache, Aldrich had started out as a grocery store clerk in a Rhode Island mill town, advancing quickly through business and politics until he became a millionaire through his consolidation of the Providence street railways. In 1881, he was elected to the Senate, where he became a member of the Finance Committee. Working his way up through the seniority system, Aldrich became chairman of that committee in 1898; however, he had become a power in the committee and on the Senate floor years before. The Finance Committee controlled all tariff legislation, which was the center of so much political attention and controversy during the late nineteenth century. On the Finance Committee, Aldrich represented northeastern industrial and manufacturing interests. He spent his early years in the Senate studying financial questions carefully and reading widely on issues of political economy.

For nearly two decades before Aldrich became chairman, Senator Justin Morrill of Vermont chaired the Finance Committee. But Morrill was more interested in theory than in details, and it was Nelson Aldrich who devoted himself to the intricacies of each tariff bill. When a tariff bill came from the House, Aldrich would go over each of its schedules, leaving his mark on nearly every section. Observers said that he had almost as much influence in shaping the Democratic Wilson-Gorman Tariff as he had over Republican tariffs. Needless to say, Aldrich's importance was soon recognized by other senators and by various industrial interests seeking to control tariff rates. By 1901, a leading Washington correspondent called Aldrich "the most influential man in Congress." He was also known as "the boss of the Senate." [5]

Despite these titles, the average visitor in the Senate galleries might never have picked out Nelson Aldrich as the dominant force in the Senate. In a chamber where one could listen to such renowned orators as Albert J. Beveridge, Chauncey Depew, and "Pitchfork Ben" Tillman, one practically never heard Senator Aldrich give an address. "He has no aspirations to shine as an orator," wrote journalist Louis Coolidge. "When he makes a speech in the Senate it is on some dry financial subject and its sole purpose is to supply his side with ammunition. He never jumps into a rough-and-tumble debate, but he has a way of asking questions, or making statements, which are disconcerting to the other side. He is quite ready to let others have all the spectacular advantages." [6]

While Aldrich satisfied himself with committee and cloakroom activities, it was Senator John Coit Spooner of Wisconsin who served as the orator of The Four. Spooner possessed a brilliant legal mind and boasted a successful career as a railroad lawyer and lobbyist before his election to the Senate. He was a favorite of the galleries and was often compared to Stephen A. Douglas because of his skill in debate and his ability to draft compromises. Although never the power that Aldrich was, Spooner assured his place in the Senate Republican leadership by making his legal and constitutional knowledge available to the nonlawyer Aldrich. One news correspondent reported entering the Rules Committee, which Spooner chaired, and finding books scattered everywhere on the floor. When asked what happened, Spooner replied, "Oh, I have been trying to get some law into Aldrich." [7]

William B. Allison of Iowa, the "sage old pilot of the Senate," was at home equally in the committee room or on the Senate floor. His service in Congress dated back to the Civil War, and his total tenure in the Senate of thirty-five years and five months puts him eleventh on the list of the longest serving United States senators in history (recently he was surpassed in years of service by our distinguished colleague, Senator John C.

Stennis). Allison is the absolute recordholder as the longest-serving committee chairman, having chaired the Appropriations Committee for twenty-five years, from 1881 to 1893 and from 1895 to 1908. (The record for the longest consecutive service as chairman, twenty-two years, is shared by former Senator Warren Magnuson, as chairman of the Commerce Committee, and former Senator James Eastland, as chairman of the Judiciary Committee.)

Allison, with his massive sculpted head, immense forehead, and thatch of gray hair was frequently referred to as the Old Fox. He rarely gave his opinion on any subject to the press (which might account for the length of his Senate career). Although he represented a predominantly rural, agricultural state, Allison spoke for the business, industrial, and railroad interests. He defended the protective tariff and used his powerful positions on the Appropriations and Finance committees to try to defuse the emotional currency issues of the day. It is a credit to Allison's political skills that he managed to juggle such vastly different constituencies for so many years. "He never made a false step politically," wrote the Merrills. "He moved with such cautious surety that it was widely said that he could walk on eggs from Des Moines to Washington without breaking one of them, or the length of a piano keyboard without making a sound, or glide across the Senate floor in wooden shoes making no more noise than a fly on the ceiling." [8]

The genial Orville Platt of Connecticut was a mild, stately old gentleman with a long white beard, an old New England Yankee who possessed "the face and manner of a pastor emeritus." Platt's biographer appropriately named the book *An Old-Fashioned Senator.* Platt had the reputation of being the most constructive legislator of The Four. He was interested in reform of the Senate rules. He wanted to reduce or abolish the many closed-door executive sessions of the Senate and to establish a cloture rule to cut off filibusters. Unlike Aldrich, Allison, and Spooner, Platt's name was more popularly associated with foreign policy than domestic policy. He was the author of the famous Platt Amendment in 1901, which made Cuba a virtual protectorate of the United States for the next thirty years. On tariff, currency, and general business issues, Platt added his sage advice and loyal support to the rest of The Four. When Platt died in 1905, Senator Aldrich recalled that "in every phase of my work here I found his counsel most helpful. In his death I am conscious of the loss of a dear friend, who was, all in all the best man I ever knew." [9]

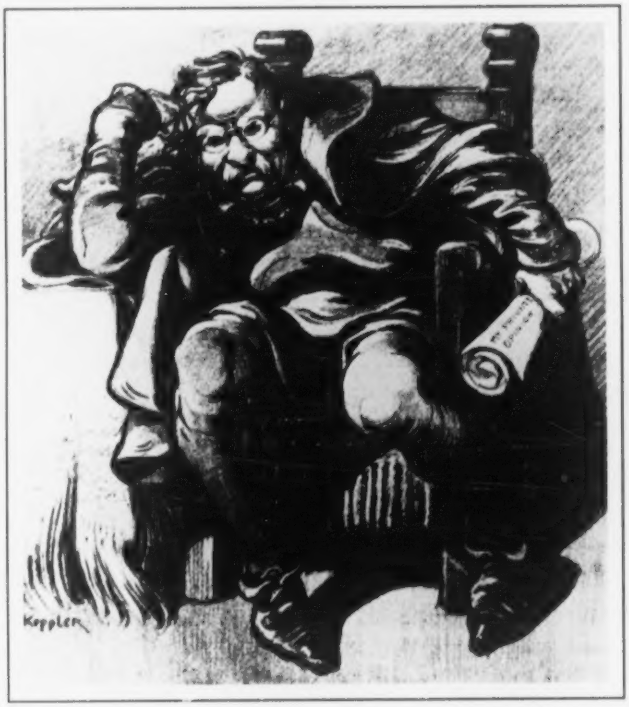
There were other influential senators of the era—men such as Henry Cabot Lodge, Sr., Eugene Hale, and Mark Hanna—but, in truth, they were lieutenants to The Four and remained in secondary positions so long as Aldrich, Allison, Spooner, and Platt called the shots. These were the august and powerful senators with whom the brash young President Theodore Roosevelt would have to deal if he wished to enact his legislative program.

Mr. President, Theodore Roosevelt is a particularly difficult president to assess because he has achieved almost folk hero status. He looms large in the history books, following, as he did, after a string of rather colorless and forgettable chief executives. We remember him as perhaps the first modern president. Those of us who participated in the Panama Canal Treaty debates in 1978 got a healthy dose of Theodore Roosevelt and his role in acquiring control over the Canal Zone. Now, in the midst of renewed interests in Central American affairs, we are reminded of his Roosevelt Corollary of 1904, justifying American intervention in the Caribbean as "an international police power." By contrast to this interventionism and his more bellicose Rough Rider image, we also recall that he was the first American to win the Nobel Peace Prize for his work in negotiating the Treaty of Portsmouth ending the Russo-Japanese War.

In domestic affairs, Roosevelt was equally active. In 1902, he sided with striking coal miners to bring an end to the anthracite coal strike. That same year, he ordered prosecution of the Northern Securities Company, symbolizing a more aggressive federal antitrust program. He endorsed such landmark legislation as the Newlands Reclamation Act to provide irrigation for arid states of the West; the Elkins Act to end railroad rebates; the Hepburn Act to strengthen the powers of the Interstate Commerce Commission in regulating railroads; the Pure Food and Drug Act and the Meat Inspection Act to protect American consumers; and the Aldrich-Vreeland Act, setting up a national banking system and paving the way for the Federal Reserve Board. In addition, his annual messages to Congress contained virtually a catalog of progressive reforms and demands, many of which were not enacted for decades to come.[10]

All these were notable accomplishments, but the questions I should like to address today are: How much was Roosevelt's reform program shaped by his dealings and compromises with the conservative leaders of the Senate; how far was he willing to go; and how soon was he willing to retreat on an issue? Roosevelt saw himself as a man of the political center, fending off, on one side, the plutocrats who controlled the great wealth and power of American industry and, on the other side, the masses with their radical and destabilizing demands. He projected this same dichotomy onto the Congress. As he wrote to his son in 1903, "I am having a terrific time trying to get various things through Congress and I pass my days in a state of exasperation, first, with the fools who do not want to do any of the things that ought to be done, and, second, with the equally obnoxious fools who insist upon so much that they cannot get anything." Here, he divided the Congress, overwhelmingly controlled by members of his own party, between the Old Guard, who resisted change, and the progressive insurgents, who were more ready to fight and lose than to compromise their principles. We think of Roosevelt as a reform president, but he was really a consensus president, cautiously waiting to act until he had public opinion and support in his corner, willing to accept half a loaf rather than none. When Roosevelt and his program are seen in this light, we can more readily perceive the influence that Congress—and particularly the struggle between conservative and progressive forces in Congress—had on his programs.[11]

For example, Roosevelt moved cautiously on the controversial issues of currency and tariff reform—sidestepping the demands of reformers and standing with the Old Guard in delaying, or avoiding altogether, changes in the law through both panics of 1903 and 1907. There was considerable public pressure to reduce the high tariff rates set by the Dingley Tariff of 1897. Agrarian reformers argued that high rates for industrial products discriminated against farmers by increasing the cost they paid for consumer goods and, at the same time, fostered the growth of industrial trusts. The tariff had also become a symbol of political corruption, as lobbyists worked feverishly to raise the rates for those producers who hired them. Certain members of Congress were identified with certain industries—whether pig iron or textiles or sugar—and built their campaign chests by working to keep rates high. By 1904, a national consensus seemed to be building for a general reduction in the tariffs, and, certainly, reform elements favored this solution. The *New York Evening Post* interviewed a thou-



This c. 1904 cartoon was captioned: "Tedlet's Soliloquy: thus the tariff does make cowards of us all. Hamlet, Act III, Scene 1 (Revised)." *Library of Congress*

sand people listed in *Who's Who* on their views on tariff legislation and, ten to one, they favored revision. Important members of the Republican party, notably former Secretary of War Elihu Root (who was shortly to become secretary of state), argued with the president in favor of reduction of the tariff; and, privately, in his correspondence, Roosevelt agreed.

The Senate Four, Speaker of the House Joe Cannon, and other congressional leaders disagreed with this sentiment. "I see the newspaper correspondents are fixing things all up," Senator Platt wrote to Senator Aldrich, "for President Roosevelt to call a special session of Congress to revise the tariff." However, Platt insisted that it "is a time to go slow." Platt also objected to Roosevelt's consideration of creating a joint commission of experts to revise the tariff. As Platt wrote to Aldrich, "You know as well as I do, that a joint commission composed as suggested would be entirely valueless, so far as getting our ideas accepted is concerned." With congressional leaders of his party preferring to stand pat on the tariff issue, Roosevelt was reluctant to act. He hesitated to use his recent victory in the 1904 presidential election as leverage for confronting Congress. He decided against calling a special session. He did not ask for tariff revision. The high tariff remained unchanged throughout his presidency. The protectionists, by maintaining a united front, had won the war without fighting a battle.[12]

There was danger inherent in adopting a cautious policy, however; press surveys showed dissatisfaction with lack of legislative results in the stalemate between "an aggressive administration and a reluctant Senate." Roosevelt had been able to build a public image as a dynamic reform president through his executive acts, but he needed to build a legislative program if he wished to achieve any long-range reforms of the system. When Roosevelt decided to make his stand, it was on railroad rate regulation rather than a revision of the tariff.

For many years, reformers had denounced the practice of railroad rebating, in which large shippers were able to extract a rebate or reduction in fees for shipping their products on one railroad as opposed to another (and we are talking about an era in which there was intense competition among railroad lines). Naturally, this discriminated against smaller shippers who paid a higher rate. In his message to Congress on Decemer 6, 1904, Theodore Roosevelt stated that "above all else we must strive to keep the highways of commerce open to all on equal terms; and to do this it is necessary to put a complete stop to all rebates." Roosevelt did not go so far as to propose that the Interstate Commerce Commission be given authority to set railroad rates, but he requested that it be vested with the power to review the reasonability of rates. "In my judgment the most important legislative act now needed as regards the regulation of corporations is this act to confer upon the Interstate Commerce Commission the power to revise rates and regulations," Roosevelt concluded.[13]

Throughout 1905, the Republican Congress largely ignored Roosevelt's domestic program, but the president persisted. Again, in his annual message in December 1905, he revived the railroad regulation proposal. Conservative newspapers denounced the plan as "centralization," but Roosevelt did receive considerable help from the muckraking magazines popular at that time. These journals fired up public sentiment against railroad monopoly and corruption, often using material secretly provided to them by the White House.[14]

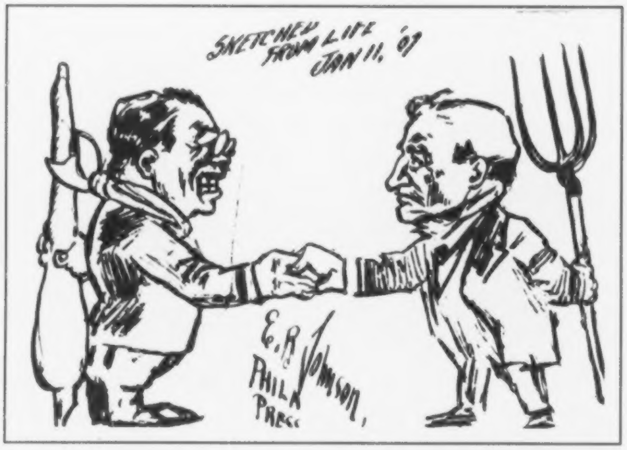
Examining Roosevelt's proposal, the *New York Sun* predicted that "the House may go through the form of moulding a hasty measure, but . . . the Senate will not; no railway rate bill will be passed by the Fifty-Ninth Congress." This seemed like a safe assumption. Indeed, the railroad bill sailed easily through the House—where it became known as the Hepburn bill, for Iowa Congressman William P. "Pete" Hepburn, chairman of the House Interstate Commerce Committee—and, predictably, it ran into stiff opposition in the Senate Interstate Commerce Committee. The chairman of the Senate committee was Stephen B. Elkins of West Virginia, a railroad investor and owner. As journalist Mark Sullivan commented:

> By every rule, precedent, and propriety, if the Republicans were going to work in normal harmony with their own President, it was Chairman Elkins' function to take charge of the bill, to give it his sponsorship and even his name, to pilot it through the Committee, and thereafter to steer it through the Senate. But Elkins disavowed the measure, thereby making it a nameless orphan, and, from the official Republican point of view, a tainted outcast."[15]

With Senator Elkins keeping at arm's length from the bill, the real tactician on the committee was Senator Nelson Aldrich, a man philosophically and politically opposed to government regulation of railroad rates. Realizing that a coalition of Democrats and progressive Republicans had the votes to report out the Hepburn bill, Aldrich set about to sabotage it. He convinced the committee to report the bill out without endorsement, and, also, arranged that committee members be permitted to add unlimited amendments to the bill on the Senate floor. Thus, they could smother it without killing it outright.

Aldrich had an even bolder legislative tactic up his sleeve. Since Senator Elkins had declined to serve as floor manager, and the next ranking Republican, Shelby M. Cullom, was ill, the progressive Republican Jonathan Dolliver of Iowa stood next in line. Dolliver was more than eager for the opportunity to manage the president's railroad bill, but Aldrich argued that, since the majority of Republicans on the committee did not support the bill, it would be more honorable to allow the Democrats to take responsibility for it. The committee accepted Aldrich's motion, and Senator Benjamin Tillman, Democrat of South Carolina, found himself manager of the bill. "Somebody, by some hocus pocus—I really hardly know how it happened—came to us unexpectedly and in a great hurry dumped this baby in my arms," Tillman observed. "I am suspicious of the paternity of the brat."[16]

Aldrich had conceived a stunning masterstroke. There was no other senator with whom Theodore Roosevelt would be more loath to work than "Pitchfork Ben" Tillman. A product of the Populist movement, Tillman was a farmer-agitator turned politician



Roosevelt put aside his big stick and Tillman his pitchfork to pass the railroad rate bill.
J.D. Preston Papers, Smithsonian Institution

who won his nickname by promising to go to Washington and stick his pitchfork into conservative President Grover Cleveland. From all accounts, Tillman could be crude in manner, inflammatory in rhetoric, and sloppy in dress. He also possessed a most unparliamentary manner, as he demonstrated one day in 1902 by swinging his fist into the face of his colleague from South Carolina, John McLaurin, while they stood on the Senate floor. McLaurin responded with a blow to Tillman's nose, drawing blood, before the doorkeepers and other senators managed to separate them. As a result of this shocking incident, the Senate censured both Tillman and McLaurin, and President Roosevelt publicly withdrew an invitation to Tillman to attend a state dinner at the White House.

Roosevelt's public rebuke stung Tillman to the quick, and, thereafter, the senator never missed an opportunity to assail the president and his program. Now, here were these two antagonists thrown together in common battle for railroad reform. As Tillman's biographer, Francis Simpkins, has written: "A Republican committee had placed the President's favorite measure in the hands of a Democratic senator who was a sworn enemy of the Chief Executive and had openly questioned the bill's wisdom. The appointment seemed unbelievable, a paradox, a weird practical joke; but it was a fact."

Yet, crafty maneuvers have a tendency to backfire on their creators. Much to Senator Aldrich's surprise—everyone's surprise—Senator Tillman and President Roosevelt swallowed their pride and worked together harmoniously in the bill's behalf. Roosevelt wanted, and needed, the legislative victory. Tillman also took his new responsibility very seriously. As a member of the minority, he had been excluded from power and influence in the Senate, and as Professor Simpkins noted, "Given for once the opportunity, he earnestly strove to be a positive force." Tillman himself explained, "I don't propose that this thing shall be turned into a circus with me as a clown." [17]

This turn of events forced Aldrich to rethink his strategy, but, once again, he proved the master of the situation. Having split Republican ranks by appointing a Democratic floor manager, Aldrich now called a party caucus to convince his colleagues of the need for party unity and the necessity of reaching a legislative compromise. Here, Aldrich was assisted by two factors. First, the Democratic ranks were split—some Democratic senators had announced their opposition to the bill, demonstrating that Tillman could not offer a solid bloc of votes in its favor. Second, the president had recently made a dramatic peace overture to the conservative leaders of his party in the Senate.

President Roosevelt, as I have said, had been working hand-in-glove with a group of crusading magazine writers—Lincoln Steffens, Ray Stannard Baker, Mark Sullivan, and a long list of others—who were using their investigative reporting to stimulate a national progressive reform movement. Generally, their articles supported Roosevelt and his program, but, in the spring of 1906, he feared they were going too far, causing too much discontent and popular unrest, and undermining his own political party. What disturbed Roosevelt most was a series of articles published in *Cosmopolitan* magazine (then owned by William Randolph Hearst), entitled, "The Treason of the Senate." Written by David Graham Phillips, the series of exposés denounced the leaders of the Senate—Aldrich, Allison, Spooner, Chauncey Depew, Henry Cabot Lodge, Arthur P. Gorman, and others—for "selling out" to "the interests" and voting against the public good. Month after month, *Cosmopolitan* presented villainous-looking senators on its covers and lurid accounts of their business connections and high-class social lives. The magazine's sales skyrocketed.

In March 1906, Theodore Roosevelt spoke at a dinner given by the Speaker of the House, Joseph Cannon, for the members of the Gridiron Club, the Washington newspaper correspondents' organization. Speaking to this audience of politicians and journalists, the president lashed out at irresponsible articles then appearing in the press. Roosevelt coined the word *muckrakers* in this speech by comparing these writers to the "Man with the Muck-Rake" in Bunyan's *Pilgrim's Progress,* whose attention was so focused on the muck that he never saw the blue sky and shining sun above. This slashing attack on the magazine writers won much approval from congressional leaders, many of whom urged the president to repeat the address in public. (Gridiron speeches, then as now, were not to be reprinted in the papers.) So, in April 1906, at the laying of the cornerstone of what we now call the Cannon House Office Building, Roosevelt gave a slightly toned-down version of his muckraker speech. Senator Aldrich, who had been a prominent target of "The Treason of the Senate" series, took this for the peace overture that it was and seized advantage of it.[18]

The time for compromise was at hand. Roosevelt could see that he did not have the votes in the Senate to win approval of the Hepburn bill without amendment. On the one hand, pro-railroad senators like Ohio's Joseph Foraker were bitterly opposed to the bill. Foraker made eighty-seven speeches against it, denouncing it as an unnecessary and "mischief-making" law. On the other hand, reformers like Wisconsin's new Senator Robert M. La Follette, Sr., decided that the bill would benefit only railroad shippers to the detriment of the nation's consumers. La Follette violated the Senate's longstanding tradition against speeches by freshmen by rising in the Senate only three months after his arrival to deliver an address of several days' duration (the printed version of which ran to 148 pages) attacking the Hepburn bill. Even the president's close friend Henry Cabot Lodge spoke out against the bill. As Mark Sullivan noted, "Roosevelt had against him every Republican in the Senate whose position and leadership carried weight with the Republican majority." [19]

The chief area of contention narrowed down to court review of Interstate Commerce Commission rulings. Roosevelt favored narrow review, based strictly on the decisions of the commission; Aldrich favored broad review, based on the evidence the commission had used to reach those decisions. The president and the Republican leadership finally reached a compromise which was introduced as the Allison amendment. The courts would have the power to review ICC decisions and also the authority to decide how broad or narrow that review should be. Senator Tillman, meanwhile, was shocked at the president's abandonment of narrow review, which he had been loyally defending in the Senate. Senator Aldrich had approached Tillman with an offer of compromise, but Tillman had rejected it, refusing to betray his principles and believing he had the votes to win. In the president, however, Aldrich found a man more willing to compromise. For the next two weeks, Democratic members of the Senate berated the president as a "trimmer" and "quitter" who had emasculated his own bill. They called it "Roosevelt's surrender." They lacked the votes, however, and the compromise carried. On May 18, 1906, the Senate passed the Hepburn Act by a vote of 71 to 3, with only Senator Foraker and two Alabama Democrats, John T. Morgan and Edmund Pettus, voting in the negative. Senator Aldrich did not cast a vote.[20]

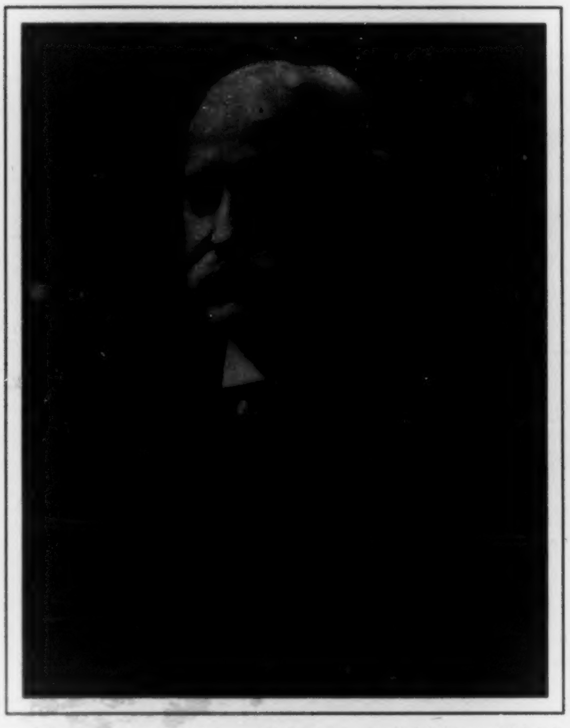
Although Theodore Roosevelt had backed down, he had, in truth, won a major victory. The new Hepburn Act advanced the principle of government regulation of not only the nation's railroads but of business in general. It was landmark legislation in the building of the independent regulatory commissions. Eventually, Roosevelt also won a victory in the courts, which chose the narrow review of ICC decisions that he preferred over Senator Aldrich's broad review scheme. Later in the Fifty-ninth Congress, Roosevelt also won enactment of pure food, drug, and meat inspection laws, all cornerstones of what we call the Progressive Era in American history.

Yet, this momentum for reform on the federal level did not continue throughout the remaining years of Roosevelt's administration. With the exception of emergency currency legislation following the panic of 1907, as the Merrills have noted, Roosevelt and the Republican majorities in Congress "exhibited no desire to initiate any significant legislation on any important matters." They chose to leave reform legislation to state and local governments, where there was indeed a reform fervor. For the remainder of his term, President Roosevelt worked closely with Senator Aldrich, as leader of the Senate, and Speaker Cannon, Aldrich's counterpart in the House, both pillars of conservatism in that progressive era.[21]

Mr. President, my point in focusing on the Hepburn Act has been twofold. First, it demonstrates that Roosevelt won his legislative battles, not by locking horns with Congress—charging up Capitol Hill as he had San Juan Hill—but by seeking compromise. His progressive legislation was, therefore, often shaped and altered by conservatives in Congress, principally The Senate Four. Second, it recalls that, even as he engaged in these compromises, Roosevelt successfully maintained his image as a progressive reformer. As a result of his shrewd handling of the press and his colorful, exuberant personality, Roosevelt fixed a strong image of himself in the public mind. He was better known for his bold public pronouncements than for his tempered remarks in closed-door meetings with influential senators. The same, alas, was not true for Roosevelt's handpicked successor to the presidency, William Howard Taft.

"Never did any man come into the Presidency before with such universal good will," commented the *New York Sun.*[22] Everyone held high hopes for the popular, genial, rotund Taft. It was universally expected that he would continue Roosevelt's programs, and, in truth, there was much continuity between their two administrations. Today, we remember Theodore Roosevelt as a progressive and Taft as a conservative, but Taft was actually the more aggressive in prosecuting antitrust cases and in taking up tariff revisions. Rather than establishing him as a reform leader, however, these efforts—especially his handling of the tariff—proved to be his undoing.

Under Taft, as under Roosevelt, Senator Nelson W. Aldrich remained the single most powerful and influential senator—the man with whom the president would need to co-

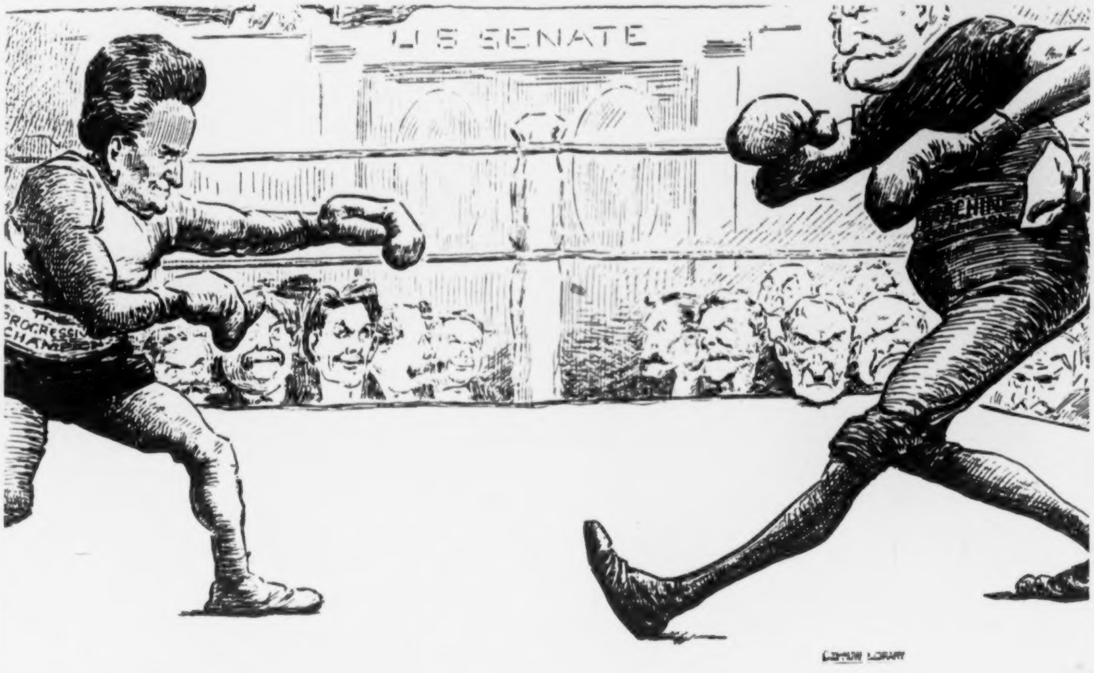


Known as the "boss of the Senate," Nelson Aldrich wielded vast power in the committee rooms and cloakrooms of the Senate. *Library of Congress*

operate or fight an all-out war to pass his programs. By 1909, Aldrich was the last remaining member of The Senate Four. Allison and Platt were dead, and Spooner had retired. In the public mind, reinforced by many articles and editorial cartoons, Aldrich embodied the antireform element in the Senate. The press denounced him as "boss," "dictator," "despot," and "tyrant." The progressive Senator Albert Beveridge referred to Aldrich as the most powerful member of any legislative body anywhere in the world.

In 1909, Nelson Aldrich held the positions of chairman of the Republican Conference and its Committee on Committees and chairman of the Senate Finance Committee. In addition, he distributed campaign contributions raised from corporate interests to various Republican senatorial candidates. This was an awesome combination of power for any senator to challenge, and few tried. One of the few to buck Aldrich's leadership was Wisconsin's fiery Robert La Follette, Sr. A passionate reformer, La Follette preferred to go down fighting for a deeply felt cause than to accept partial victory through compromise. He believed in the ultimate wisdom of the people, who, if kept properly informed, would rally to the cause of reform. In the Senate, La Follette built a bloc of western Republican senators in opposition to Aldrich and the stand-pat approach of the East. Among these western progressives were such senators as Joseph Bristow of Kansas, Albert Cummins of Iowa, Albert Beveridge of Indiana, and William Borah of Idaho. La Follette also courted Senator Jonathan Dolliver to join the insurgents.

Earlier, I mentioned Senator Dolliver's interest in becoming floor manager for the Hepburn bill, an ambition frustrated by Senator Aldrich. At this critical moment, Aldrich made another tactical error concerning Dolliver and drove him into La Follette's ranks. Until then, Jonathan Dolliver had stood with the "regular" wing of Senate Republicans. Born in Preston County, West Virginia, Dolliver had gone west to be a schoolteacher and, later, a frontier lawyer before entering politics. He was a marvelous public speaker, and was eulogized by Albert Beveridge—himself a notable orator—as "the greatest orator in the contemporaneous English-speaking world." Physically, Dolliver was a bear of a man, but possessed a gentle nature and immense charm; he was described as "a deep, quiet lake, restful to the spirits of those fortunate to come in contact with him." He was also a "magician with his audience." So, La Follette considered it worth his time to try to win him over. "Your place, Jonathan," La Follette told him, "is at the head of a movement here in the Senate and in the country for the public interest." Dolliver laughed the



UNCLE SAM: "DON'T LET UP, LITTLE ONE. THIS MUST BE TO A FINISH!"

Senator La Follette challenged Senator Aldrich's authority on tariffs and other issues. *U.S. Senate Curator's Office*

suggestion away. "Bob, your liver's out of order; cheer up." [23]

As the first session of the Sixty-first Congress organized in 1909, at the beginning of President Taft's administration, Senator Aldrich was busy parceling out committee assignments. Dolliver dearly wanted a seat on the Finance Committee and let Aldrich know that he would give up his position on the Interstate Commerce Committee in exchange. Although Dolliver did resign from the Interstate Commerce Committee, Aldrich passed over him for Finance and, instead, arranged for him to chair the Agriculture and Forestry Committee. This did not mollify Dolliver, who felt he had been promised Finance. In a personal meeting, Aldrich bluntly told the Iowa senator that he could not work with him in drafting tariff legislation. Dolliver saw this as just another example of eastern tyranny over the West.

Aldrich's action and explanation infuriated Jonathan Dolliver, who, shortly afterwards, ran into Senator La Follette in a Capitol corridor. "Jonathan, are you pretty nearly ready to have that conference with me?" La Follette asked. "Yes, I am coming over to see you," Dolliver responded. "Well, come right now," said La Follette.[24] The two men sequestered themselves in La Follette's Census Committee room in the Capitol basement. (The location of committee rooms in those days was a clear sign of their rank. La Follette generally found himself assigned to rooms in the basement and terraces. Senator Aldrich's Finance Committee, in contrast, was just off the Senate floor in rooms I currently occupy as Democratic Leader.)

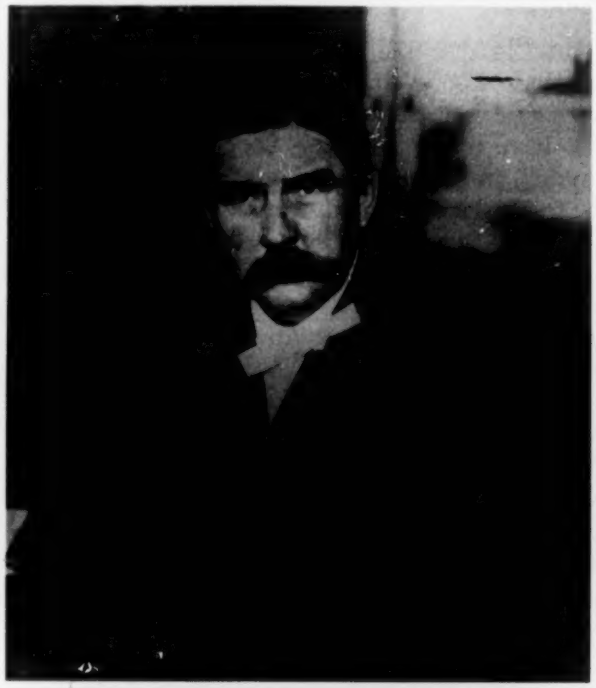
According to La Follette, during their discussions that day, Dolliver proclaimed his independence of Aldrich and the party regulars. He threw his support, his reputation, and his considerable oratorical skills to the insurgents. "This conversion of Dolliver from Saul to Paul was, to Aldrich, most untimely," wrote Mark Sullivan, the keen-eyed journalist, since Congress was at that time organizing in special session to write a new tariff, and Dolliver would prove a most formidable opponent. La Follette may have been the leader of the insurgents, but Dolliver would become their heart.[25]

President Taft believed in tariff reform and insisted upon quick congressional action. Working with Aldrich and Cannon, he called Congress into special session on March 15, 1909, to deal with the matter. But Taft soon found himself in over his head. The Democrats traditionally stood for low tariffs, the Republicans for high tariffs. But progressive Republicans, responding to consumer complaints and farmer demands, also joined the movement for downward revision of the tariff rates. The Republican platform of 1908 had called for tariff reform—implying, but not specifying, a reduction of rates. Taft wanted action but lacked a clear game plan, an organized constituency, and an understanding of the technical issues involved. Taft's weaknesses were precisely Aldrich's strengths.

The House Ways and Means Committee, under its chairman, Sereno Payne, produced a tariff bill with moderate reduction of rates that pleased Taft and speedily passed the House. The Payne bill then went to Aldrich's Finance Committee, but Aldrich threw out the House version and introduced his own, which raised duties on over six hundred items. "Without Allison and Spooner in the Senate or Roosevelt in the White House, no one could hold Aldrich in check," the Merrills have noted. Certainly, Aldrich's high-handed and impolitic action demonstrated that he had misjudged the national mood.

On the Senate floor, opposition senators angrily complained of the Aldrich tariff rates. Senator Joseph Bailey of Texas, speaking for the Democrats, pointed out that some rates were three times as high as the old tariff law, indicating that the Republican majority had not kept its promise to the American consumer to revise rates downward. Aldrich scoffed, "Mr. President, where did we ever make a statement that we would revise the tariff downward?" Soon Dolliver was on his feet to point out the obvious: that it had hardly been the president's purpose to call Congress into special session to leave tariff rates where they were or to raise them. "The American people expected them" to reduce rates, Dolliver maintained. And so it went. The insurgents pressed Aldrich on every point. No one member of the Senate could equal Aldrich in his fine knowledge of the intricacies of tariff legislation, so his opponents divided up the bill among themselves. Dolliver would talk on cotton; La Follette on wool; Bristow on sugar; Cummins on metals—each mastering the technical details of his assigned subject. The debate lingered on through the hot Washington summer, keeping Aldrich and other protectionists on the defensive. The insurgents accused Aldrich of accepting schedules that had been written by the industries seeking protection and of needing to hire outside experts to explain his own bill to him.

Over and over, it was Dolliver who scored the most points, who focused public attention on the high rates for special interests, who used his wit to demolish his opponents. Senator Aldrich protested that Dolliver was conducting an "assault on the very citadel of



Jonathan Dolliver converted from the "regular" to the "reform" wing of the Republican party.
Library of Congress

protection," for which their party had long stood. And often, as Mark Sullivan observed, "Aldrich's only response was not to respond, to walk from the Senate floor, red-faced, for the first time in his life successfully defied" by the man who was born in Preston County, West Virginia.[26]

Defied, yes; defeated, no. Nelson Aldrich was still a champion legislative tactician. Aldrich knew that the Democrats and western Republican insurgents stood against his tariff and that he needed to hold the rest of his party intact. He, however, was concerned that some eastern Republicans in the Senate—supporters of the president—would desert the high protective tariff in support of an income tax. Reformers from both parties had long been clamoring for income and corporate taxes as a means of financing federal programs, thus reducing one of the key rationales for high tariffs (since the tariff was then the chief source of federal revenue).

Aldrich, therefore, stole their thunder. During the debate, he announced that he would submit to the Senate a constitutional amendment to permit Congress to levy an income tax and that he would insert a corporate tax in the tariff bill. Not only did this move force reformers to vote at least for portions of his tariff bill, but it also held the eastern Republicans in Aldrich's camp. On July 8, 1909, the Senate debate on the Aldrich tariff finally ended with a vote of 45 to 34 in its favor. The minority consisted of twenty-four Democrats and ten Republican insurgents. The Senate and House then met in conference to reconcile the high Aldrich rates with the more moderate Payne rates.[27]

It was clear to President Taft that the Aldrich bill had little public support behind it, and he hoped that the House conferees could successfully argue for lower duties. For some time, Taft considered vetoing the bill. This would increase his personal popularity but reflect badly on his party, which had crafted the bill. Nothing went well for Taft. Speaker Cannon appointed high-tariff men as conferees, and Senator Aldrich skillfully lobbied with them and with the president to convince them that they had crafted "a very scientific tariff bill." The conferees did make some modest downward revisions, allowing Taft to assure himself of the bill's merits.

Not only did Taft refrain from vetoing the Payne-Aldrich Tariff; he also took to the stump in its defense. In those days, presidents still wrote their own speeches, and Taft was notoriously tardy in preparing his. On the train to Winona, Minnesota, during a speaking swing through the Midwest, Taft hastily penned a line he would greatly regret. Not only did he defend the Republican members of Congress who had supported the Payne-Aldrich Tariff, but he declared

A diverse and colorful group, these key senators of the early twentieth century ranged in their span of Senate service from 1893 to 1940. *Top row from left,* Benjamin Tillman, Albert Beveridge, Joseph Bailey, Edward Carmack. *Middle row from left,* William Clark, Chauncey Depew, Henry Cabot Lodge, Boies Penrose. *Bottom row from left,* William Borah, Thomas Gore.
Library of Congress

flatly, "I am bound to say that I think the Payne tariff bill is the best tariff bill that the Republican party has ever passed." Thus, Taft's public attachment to the high tariff was complete, and done next door to Robert La Follette's home state, no less! [28]

Public response to the Payne-Aldrich Tariff was overwhelmingly negative, undermining the Republican party's once solid majority among the voters. Taft proved himself an inept politician in any number of issues—from the abortive "revolt" against Speaker Cannon in the House, to the handling of the infamous Ballinger-Pinchot affair, with its overtones of corruption in the Interior Department. In 1910, Theodore Roosevelt returned from his self-imposed exile in Africa and Europe and made himself the new symbol of the growing Republican insurgency. That year, the Republicans suffered their greatest electoral setbacks in a generation. They lost the House of Representatives to the Democrats, and their 59 to 32 majority in the Senate shrank to 51 to 41.

Also in 1910, they lost the leadership of Nelson Aldrich, who announced his decision not to stand for reelection.

Aldrich, as I have said, was the last of The Senate Four. Other senior colleagues were retiring, and, as the *New York Times* reported, Aldrich felt "tired of being the packhorse, that is, of being held responsible for all legislation because he was so powerful." In 1910, Aldrich was sixty-nine years of age. He was also, by then, a considerably wealthy man, with a beautiful estate at Newport, Rhode Island, and he wanted a chance to enjoy the fruits of his labor. In recent years, he had devoted an increasing amount of his time to the National Monetary Commission, which he chaired, and he wanted to give it his full attention. Indeed, the Aldrich plan which emerged from that commission was an important building block in the Federal Reserve Act of 1913, about which I shall have more to say later. So, Aldrich stepped down voluntarily, ending an era in the Senate's history dating back to the 1880's.[29]

Mr. President, I have spent much time discussing Nelson Aldrich because he was such a giant in the Senate's history and because he represented so much of this institution's power and influence in that era. I have talked also about Robert La Follette, Sr., who began his Senate career in this era, and about Jonathan Dolliver, whose career was cut tragically short by his death in October 1910. I have introduced "Pitchfork Ben" Tillman, Albert Beveridge, and other leading Democrats and Republicans. There are many more from that remarkable period whom we should not forget. For example, there was the pugnacious Joseph Weldon Bailey of Texas who led the Democrats first in the House and then in the Senate, relying on his mental and oratorical powers to cover his lack of votes on the floor. There was the red-haired and fiery-tongued Senator Edward Carmack of Tennessee, who battled so intensely for Prohibition that he was shot down on the streets of Nashville by anti-Prohibitionists. (A statue of Senator Carmack stands today on the state capitol grounds in Nashville.)

There was the refined and fastidious William A. Clark of Montana, whose manner belied his rough frontier beginnings. Clark made a fortune in mining and railroad interests and used it to purchase a Senate seat and to collect great works of art. Today, visitors to the Corcoran Gallery of Art here in Washington can view the Rembrandts, Reubens, Gainsboroughs, and Van Dycks in Clark's collection, as well as a bust of the senator who donated them. There was Chauncey M. Depew of New York, the nation's favorite afterdinner speaker, and Henry Cabot Lodge of Massachusetts, who held the first Ph.D. in history ever awarded by an American university. There was the gargantuan Boies Penrose of Pennsylvania, said to have breakfasted regularly on a dozen eggs, twelve rolls, a quart of coffee, and a half-inch slab of ham, and who could put away an entire stuffed turkey for lunch. Senator Penrose's appetite for power was equally immense, as he skillfully demonstrated in the Senate cloakrooms and committee rooms. There was William E. Borah of Idaho, the young prosecuting attorney just beginning his long career in the Senate, and the blind Senator Thomas P. Gore of Oklahoma, who, in later years, was often escorted into this chamber by his young grandson, Gore Vidal.[30]

It would be hard to conjure up a more diverse and colorful lot. These were the "standpatter" and "insurgent" Republicans and "unreconstructed" Democrats with whom Theodore Roosevelt and William Howard Taft had to deal. They numbered among them men old enough to have fought in the Civil War, who still peppered their speeches with references to the Union and the rebellion. Also represented was the first generation of twentieth-century legislators.

But they all were the last of an old breed in an important sense, for they were the last senators elected by the state legislatures. In 1913, the single most important reform of the Senate took place: the ratification of the constitutional amendment allowing the people to elect directly their United States senators. This reform was of such magnitude that I plan to devote my next address in this series to its passage and consequences, and to the ways in which it altered the course of Senate history.

CHAPTER 21

The Direct Election of Senators 1913

March 2, 1984

Mr. President, in my last address on the Senate's history, I discussed the Senate from 1901 to 1912 during the Progressive Era. Today, I wish to focus on one of the Progressive reformers' greatest objectives: the direct election of United States senators; for, as we all know, until 1913, with the ratification of the Constitution's Seventeenth Amendment, senators were elected by state legislatures.

When the fifty-five delegates to the Constitutional Convention met in Philadelphia during the momentous spring and summer of 1787, they quickly rejected a proposal from James Wilson to have white male voters, who made up the electorate in each state, choose senators. In speaking against this proposition, Roger Sherman said: "The people immediately should have as little to do as may be about the government. They lack information and are constantly liable to be misled." Elbridge Gerry echoed Sherman's views, adding: "The evils we experience flow from an excess of democracy. The people do not lack virtue, but are the dupes of pretended patriots."

The delegates also discarded a plan to have senators elected by the House of Representatives, based on nominations from the respective state legislatures. A majority of the framers correctly believed that this would make the Senate dependent on the House at a time when some of the delegates, to ensure the Senate's independence, were considering measures such as lifetime appointments or, at least, longer terms, greater salaries, and higher minimum ages. Of course, the framers, in their wisdom, abandoned the idea of a lifetime appointment for senators.[1]

After brief deliberation, the Constitutional Convention decided to entrust selection of senators to state legislatures. Many believed that this would provide desired insulation from popular pressure, allowing the Senate to resist the passions of the moment that might be evident in the handiwork of the popularly elected House of Representatives. It is not surprising that they decided on this method, for it was the means by which the delegates themselves had been selected. State legislatures had also appointed members to the Continental congresses and the congresses under the Articles of Confederation, as well as governors and the judiciaries of at least half the states.[2] A more immediate and practical reason for favoring election by the state legislatures was that it provided the only formal tie between the national and state governments and increased the likelihood that the Constitution would be accepted when submitted to the state ratifying conventions.

As adopted, Article I, section 3, of the Constitution provided, in part, that "the Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years." Section 4 of the same article further provided that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

Section 4 offered two safeguards. It prohibited congressional harassment of state legislatures by allowing those bodies to set the places of elections for senators—presumably in their chambers rather than in a place Congress might deem more appropriate or more troublesome. Second, by allowing Congress to override state decisions as to the time and manner of elections, it protected the national government from the possibility that states might try to dissolve the Union by failing to elect members of Congress.[3]

Mr. President, as far as I can determine, no serious discussion of this method of election occurred in any of the state ratifying conventions held during late 1787 and throughout 1788. In Number 62 of the Federalist papers, James Madison wrote: "It is equally unnecessary to dilate on the appointment of senators by the state legislatures. Among the various modes which might have been devised for constituting this branch of the Government, that which has been proposed by the convention is probably the most congenial with the public opinion."[4]

For the first half century of our nation's existence under the Constitution, Congress had no occasion to concern itself about the manner of senatorial selection, although a resolution calling for popular election of senators was introduced in the House in 1826. In the earliest years, each house within a state legislature, as a rule, met separately to select a candidate by majority vote, just as it would deal with any legislative measure. This accorded with the framers' belief that the upper chamber should serve as a check on the actions of the lower house. This restraint would be nullified if, as began to happen in several states, the legislatures met jointly to reach their decision; however, the practice of deliberating separately began to prove troublesome as the years passed in the first half of the nineteenth century. Particularly in states where the two houses were controlled by different parties, deadlocks occurred with the result that those states were deprived of their full representation in the Senate.

In the mid 1850's, a major stalemate occurred in Indiana that led to a basic reform of the election process. By February 1857, one of Indiana's seats in the Senate had been vacant for two years as a result of turmoil between the newly emerging Republican party from the state's northern counties and the majority Democrats from the southern regions. During that month, the hostilities between the parties came to a rowdy climax as boisterous and reportedly armed Republicans milled about in the halls and on the floor of the state senate, disrupting efforts by the Democratic lieutenant governor to call the roll. All realized that the stakes were particularly great as the legislature had to fill not only the existing vacancy, but also the term that was about to expire. Failing to achieve order in their own chamber, the senate's Democrats proceeded to the house chamber. There, in joint session, they elected Democrats Jesse Bright, the incumbent, and

Graham Fitch for the remainder of the vacant term. When Bright and Fitch arrived in Washington, they presented their credentials and were sworn in. Back in Indiana, Republican legislators charged that the two senators were not legally entitled to their seats, as the joint session in which they were chosen had not been legally summoned, and that, under state law, the individual houses were to act concurrently rather than jointly.

A year later, the Republicans took control of both houses of the Indiana legislature and promptly concluded that Fitch and Bright had been improperly elected, so two vacancies existed. They then proceeded to elect Republicans William McCarty and Harry Lane. Both men traveled to Washington and presented their credentials. After appropriate deliberation, the Senate's Democratic majority decided to reject the credentials of these Indiana Republicans. They reasoned that the Senate had already voted to seat Fitch and Bright and considered the Indiana legislature's second election to be a challenge to the Senate's constitutional responsibility to judge the qualifications of its own members.[5]

Within days of final action on this heated issue, a bill was introduced in the Senate, under the provisions of Article I, section 4, of the Constitution, to "prescribe the time and manner of electing senators and the form of their credentials." This measure, and others like it, died in committee and no action was taken until after the Civil War.

Late in 1865, the issue of how legislatures were to conduct senatorial elections was finally engaged in a dispute over the validity of the election of New Jersey Democrat John Stockton. Stockton's credentials, for the term to begin March 4, 1865, were presented on December 4, 1865, along with a memorial from a portion of the New Jersey legislature protesting the process of the election. The opponents deemed Stockton's election invalid because he had won by a plurality vote of the joint session rather than a majority vote. Despite the protest, the Senate seated Stockton and sent his credentials to the Judiciary Committee.

On January 30, 1866, the Judiciary Committee returned a report favorable to Stockton. The committee found that the New Jersey statute provided only that United States senators should be appointed by a joint meeting of the senate and the general assembly. The law did not set forth regulations for the management of the joint meeting nor establish the manner of the election. Historically, the joint meeting of the New Jersey legislature adopted and implemented different rules annually, a system the Judiciary Committee found to be in accord with the state constitution.

Stockton, responding to his opponents on the Senate floor, touched on a point that was becoming more and more apparent to the Senate. He said, "Senators are not always elected in New Jersey or in any state, I presume, in precisely the same way." The patrician senator complained: "Since I have been in Washington, the position I have occupied has been very unexpected. It is a very unpleasant thing to have any one believe that a gentleman would claim a seat to which he was not clearly entitled." Although he repeatedly expressed his amazement at the election protest and insisted that he felt totally unprepared to defend himself, Stockton recited, with great accuracy, New Jersey election cases dating back to 1794 to support his claim.[6]

Though the structure of senatorial debate in this case centered on complex legalistic arguments, the smoldering animosities of post-Civil War factionalism surfaced again and again. Maryland Senator Reverdy Johnson responded to William Fessenden's comment, that the Senate could not tell legislatures whom they should elect, with an emphatic

"Yes, we can. Why cannot Congress . . . prescribe that . . . electing senators should be by nomination before balloting." Daniel Clark of New Hampshire, a leader of the opposition to Stockton, took umbrage at Johnson's remarks and huffily reminded his Maryland colleague that it did not interfere with the constitutional prerogatives of the states for a senator to exercise his right of inquiry. At one point, Fessenden responded to Illinois Senator Lyman Trumbull, sneering, "Oh, the senator is never as stupid as he sometimes appears to be." [7]

A vote on March 23, affirming the Judiciary Committee's recommendation, failed to end the controversy. On March 26, Senator Charles Sumner declared that the vote of 22 to 21 taken the previous Friday, and including Stockton's name, served as a record in the *Senate Journal* that the members had permitted a senator to act as a judge in his own case. Sumner thought this action such an unsavory reflection on the character of the Senate that he wanted the *Journal* amended. His appeal unleashed another round of heated debate until Garrett Davis described the entire contest as a device "to gain party power, . . . no man is so blind as to wink his eyes against the truth of that proposition." [8]

The wrangling continued as Stockton suggested that no votes should be taken until his New Jersey colleague, Democratic Senator William Wright, could recover his health sufficiently to come to Washington. As charges and countercharges of procrastination and duplicity swirled about, Sumner's appeal succeeded. With the Senate in a second uproar over the Stockton election, the Massachusetts Republican withdrew his resolution to amend the *Journal* in return for a reconsideration of the March 23 vote. On March 27, the Senate, with Stockton excluded from the voting, resolved that the New Jersey senator was not entitled to his Senate seat.

In an effort to convince the Senate that a change in New Jersey election procedures did not violate the state constitution, Stockton presented to the members a state-by-state analysis of senatorial election processes. Though his presentation did not win for him the right to continue as a New Jersey senator, Stockton's report established beyond question that senatorial election procedures in the United States represented a snarl of inconsistencies and mismanagement. [9]

Confronted by the weight of this evidence and burdened with a multiplication of election challenges, the product of flagrant misconduct and corruption at the state level, Congress responded in July 1866. The passage of a statute to regulate the time and procedure for electing United States senators marked the first step toward elimination of the original selection process devised by the Constitution's framers. The law provided that on the first Tuesday after the meeting and organization of a legislature, during a year when a senator was to be elected, the two houses would meet separately and, by voice vote, name a senator. On the following day, both houses would meet jointly to announce their individual selections. If a single candidate received the majority vote in both houses, that candidate would be declared elected. If not, the law provided that "the joint assembly shall meet at twelve o'clock meridian, on each succeeding day of the legislature, and take at least one vote until a Senator shall be elected." The measure's supporters believed that forcing the two houses of a legislature to meet jointly would bring an end to deadlocks in which the houses had simply ignored each other. [10]

Several senators objected to the provision for an open vote, arguing that the absence of a secret ballot would compel legislators to vote under the lash of party discipline rather than their personal convictions. Others protested the initial vote by the separate chambers. They observed that it would be a meaningless exercise, as action by the joint assembly would be necessary to elect. This procedure would merely alert a potentially obstructive minority to opportunities to block or control closely contested elections. Several senators feared that such a minority might also take advantage of a provision in an earlier version of the bill that "the joint assembly shall continue to vote for senator, without interruption by other business, until a senator is elected." This would have the effect of indefinitely blocking essential state legislation. Although the authors of that provision contended that electing senators was a matter of national importance overriding individual state concerns, they agreed to modify the language to require only a single vote each day until election was achieved.[11]

This law failed to end election deadlocks. In fact, the number of deadlocks actually increased in the decades following its passage. In the post-Civil War period, state legislatures became increasingly subject to intimidation and bribery in the selection of senators. While only one case of bribery came before the Senate prior to 1866, nine cases were presented between 1866 and 1906.[12] George H. Haynes, an authority on the subject of senatorial elections, concluded that the 1866 law contained a fatal deficiency requiring that successful candidates receive a majority of all votes cast, rather than a plurality. This provision made it possible for small factions to withhold their support from major candidates until their various demands had been met. These factions, under the law's requirement for a preliminary vote in each chamber, were given plenty of advance notice of those contests that were likely to be close so that they could barter their influence to the candidate most willing to sacrifice principles for votes.[13]

During the fifteen years between 1891 and 1905, forty-five deadlocks occurred in twenty states. The most notable example of this frustrating situation took place in Delaware in 1895, where the legislature in joint session took 217 ballots over a period of 114 days and still failed to elect a senator. Nearly two years passed before the legislature elected Richard Kenney. Delaware continued to be plagued with such impasses in the following years. In 1899, 113 votes over 64 days produced no winner, leaving that seat vacant for *four* full years! Again in 1901 and 1905, Delaware went without representation within the United States Senate for periods of up to two years.[14]

Certainly, Delaware was not alone in this predicament, although it was unique in the number of occasions in which no election occurred. Other states endured lengthy delays, but these were often the result of disputes within party caucuses. George Haynes reported, for example, that, in the 1890 Kentucky contest, "the votes of the Democratic members were by prior and explicit arrangement 'scattered' until a nomination by caucus solidified them." A year later, in Florida, the election contest dragged on for thirty-five days under an agreement within the Democratic caucus to divide the vote to prevent an election until the caucus made its selection.[15]

The scattering of votes took on dramatic proportions in North Carolina during the 1903 election when eighty-five candidates received votes on the first ballot. A week later, and after sixty votes within the Democratic caucus, seventy-eight persons drew votes in the official joint floor balloting. Finally, the caucus decided on Lee Overman, and the joint assembly quickly elected him by a vote of 138 to 21.[16] With these contests extending over weeks and months, the dispersion of votes reflected the uncertainty of the process and the optimism of the many men who hoped that their darkhorse candidacies might succeed.

With the deadlocks came elevated passions that certainly would have surprised Alexander Hamilton. He had predicted in 1787 that the state legislatures, themselves "select bodies of men," would choose senators with "peculiar care and judgment."[17] George Haynes provides us with a colorful account of the turmoil surrounding the deliberations of the Missouri legislature in 1905. He wrote as follows:

> Lest the hour of adjournment should come before an election was secured, an attempt was made to stop the clock upon the wall of the assembly chamber. Democrats tried to prevent its being tampered with; and when certain Republicans brought forward a ladder, it was seized and thrown out of the window. A fist-fight followed, in which many were involved. Desks were torn from the floor and a fusillade of books began. The glass of the clock-front was broken, but the pendulum still persisted in swinging until, in the midst of a yelling mob, one member began throwing ink bottles at the clock, and finally succeeded in breaking the pendulum. On a motion to adjourn, arose the wildest disorder. The presiding officers of both houses mounted the speaker's desk, and, by shouting and waving their arms, tried to quiet the mob. Finally, they succeeded in securing some semblance of order.[18]

Several years earlier, Democrats in the Colorado legislature called on the Denver police to help maintain order, while that body's Republicans turned to the governor for troops as their partisan disputes over Senate candidates nearly erupted in bloodshed. Ultimately, cooler heads prevailed, and Senator Henry Moore Teller was returned to the Senate for a fourth term.[19]

By the end of the nineteenth century, Congress came under increasing pressure to pass a constitutional amendment that would scrap this burdensome process in favor of direct popular election. As early as the 1870's, citizens began petitioning the House of Representatives to this end. In the decade from 1893 to 1902, the House passed the appropriate joint resolutions by overwhelming margins, but they had few supporters in the Senate and, accordingly, went nowhere. In fact, the first reference to the topic on the Senate floor did not come until 1887 when Nebraska Senator Charles Van Wyck attacked the system. He had been defeated for reelection in his state legislature after winning a nonbinding popular preference election by a 10-to-1 margin.[20]

The state of Oregon led the way in devising a series of popular referenda that became virtually binding on its legislature. Shortly after the Democratic party added a call for direct election to its national platform in 1900, Oregon enacted a law allowing voters to express their choice for senator. When the legislature then met to choose a senator, that law required that the returns of the popular election be laid before them. The law then provided that "it shall be the duty of each house to count the votes and announce the candidate having the highest number, and *thereupon* the houses shall proceed to the election of a senator." When the Oregon legislature first tried this procedure, it failed miserably. In the house, the candidate who had secured a plurality of popular votes obtained support from only a small minority, as other legislators split their votes among fourteen candidates. It then took the legislature five weeks and forty-two joint ballots to elect veteran former Senator John H. Mitchell, who had not received a single vote in the popular election.[21]

The failure of this strategy reinforced the determination of those who believed that only a constitutional amendment would solve these perennial difficulties. Nonetheless, the citizens of Oregon were determined to make their legislators heed the results of the popular election mandate. In June 1904, Oregonians succeeded, by resort to the device of a popular initiative petition, in establishing a "direct primary nominating elections law." Under this new statute, those wishing to become candidates for Senate election were required to submit a duly signed petition along with a hundred-word statement of their position on major issues. They also were permitted to prepare a twelve-word statement to be printed with their names on the nominating ballot.

For their part, individuals running for the Oregon state legislature were encouraged to declare their adherence to "Statement Number 1" or "Statement Number 2." Those who subscribed to the first statement pledged to vote "for that candidate for United States senator in Congress who has received the highest number of the people's votes for that position at the general election next preceding the election of a senator in Congress, without regard to my individual preference." Statement Number 2, on the contrary, offered the brave prospective legislator the opportunity to declare to the voters that he would "consider the vote of the people for United States senator . . . as nothing more than a recommendation, which I shall be at liberty to wholly disregard if the reason for so doing seems to me to be sufficient." [22]

To ensure that this strengthened system achieved its desired effect, the citizens of Oregon went a step further by circulating a pledge in which voters swore that they would not support any candidates who failed to subscribe to Statement Number 1. This system was first put to the test in an election to fill two vacancies in 1907. It worked perfectly. This legislature, long accustomed to major and time-consuming deadlocks, on the first ballot elected two senators in twenty minutes, as one observer noted, "without boodle, or booze, or even a cigar!" [23]

A more severe test for Oregon came two years later when a solidly Republican legislature confronted a popular mandate that had produced a Democratic candidate. One by one, the Republican members, faithful to their pledges, set aside their own preferences and cast their ballots for the Democrat.

Other states followed Oregon's lead. Nebraska even went so far as to require a statement on the ballot for candidates to the legislature that read either "Promises to vote for the people's choice for United States senator" or "Will not promise to vote for the people's choice for United States senator." [24]

Mr. President, the campaign for direct election of senators took a large step forward after February 1899, when publisher William Randolph Hearst decided to make that objective one of the major editorial policies of his chain of newspapers. Late in 1902, as Hearst accepted the New York state Democratic party's nomination for a seat in the House, he declared war on the growing influence of large corporations on the selection and conduct of senators. After being elected to the House, he introduced a direct election constitutional amendment and continued to speak out on the subject. Early in 1905, Hearst added *Cosmopolitan,* a respectable family magazine, to his publishing empire. Under Hearst's control, *Cosmopolitan* quickly became one of the nation's more sensationalized muckraking journals and a vehicle for Hearst's views on the direct election.[25]

Later that year, Charles Edward Russell, one of Hearst's editors, approached him with a plan for a series of articles on the Senate. The idea had come to him one day as he sat in the Senate press gallery and observed, as he put it, "a number of well-fed and portly gentlemen," whom he believed represented not the people but an array of predatory interests. He told Hearst that the articles should focus "on the fact that strictly speaking we had no Senate; only a chamber of butlers for industrialists and financiers." [26]

To undertake the task, Hearst selected popular novelist David Graham Phillips. Phillips had grown up in a small town in southern Indiana in the years immediately following the Civil War. When he went off to Asbury College, he developed a lifelong friendship with fellow student Albert Beveridge, who would go on to become a prominent United States senator from Indiana. Phillips transferred to Princeton University and, upon graduation, went to work for Charles A. Dana's *New York Sun,* then considered one of the nation's best newspapers. Dana insisted that his reporters pursue their stories with unbridled determination and that they write with clarity and precision. In 1893, Phillips left the *Sun* for a position on Joseph Pulitzer's *World,* New York City's largest and most energetic newspaper. During the ten years that Phillips worked for the *World,* the nation underwent an era of wrenching social and economic disruption. Bloody strikes, financial panic, increasing concentration of corporate wealth, drought, urban squalor, and a war with Spain set the stage for the movement of political and social reform known as the Progressive Era.

At the turn of the twentieth century, Phillips moved from newspaper reporting to writing magazine articles and novels. From 1902 to 1905, he prepared fifty articles for the *Saturday Evening Post.* In 1905, he published two novels of scandal and corruption that earned him a place as one of the nation's leading writers of muckraking fiction. His *Social Secretary* depicted the growing power of the rich and the resulting deterioration of the national government. *The Plum Tree* chronicled the rise to power of an unscrupulous United States senator who bore a resemblance to Senators Marcus Hanna and Boies Penrose. As Professor George Mowry has noted, Phillips' writings set forth a plea for "a return to the old moral standards, for the hard-headed integrity of the frontier farmer, for the revival of democratic methods of selecting public officials in place of the boss-ridden, money-dominated political practices of his day." [27]

William Randolph Hearst mobilized public support for the direct election of senators. *Library of Congress*

After some initial reluctance, Phillips agreed to Hearst's offer to do a series on the Senate for *Cosmopolitan.* He began to compile background material, with the aid of two research assistants, and then set out for Washington to interview congressmen and newspaper reporters who provided him with leads and inside information that he could work into his articles. Professor Mowry reports, "He then returned to New York and, white-hot with enthusiasm, indignation, and prejudice, began to turn out copy at his usual [rapid] pace." [28]

Phillips directed his fire at twenty-one senators: eighteen of them were Republicans; half were committee chairmen; and most were from states east of the Mississippi and north of the Potomac. All were very wealthy. In the months prior to the appearance of his series, the Senate had come into particular public disrepute as a result of two senators who had been convicted on charges of fraud and corruption. One of them, Oregon's John Mitchell, had been found guilty of receiving fees for expediting land claims before the United States Land Claims Commission. As the Senate prepared to take action against him, however, he died. The other, Joseph Burton of Kansas, was awaiting the results of an appeal of his conviction for taking fees to intercede with postal authorities in a mail fraud case against a St. Louis grain company. Burton expressed both his innocence and also the prevailing sentiment of some of his colleagues in saying, "Other senators and representatives had built up large private practices during their terms of office and I, in a small way, desired to emulate them." Other senators told Burton that they would not move to expel him until all his appeals had been exhausted, provided he remained away from the Senate floor. In May 1906, amidst the publicity fanned by the Phillips series, the Supreme Court upheld Burton's conviction, and he resigned shortly thereafter to begin serving a six-month prison sentence.[29]

The nine articles that comprised "The Treason of the Senate" series appeared from March through November 1906. By May, *Cosmopolitan*'s circulation had doubled and the articles were being reprinted widely in other papers across the country. Phillips' success with the series was due largely to his ability to take information already well known and recast it in a light that made a senator's public success seem to be directly related to his willingness to serve the interests of large corporations at the expense of the general public. Phillips was a master of what one journalistic colleague termed "adroit insinuation." Most of his specific charges were severely overdrawn or patently false, as were his broad characterizations of the Senate as "stealthy," "treacherous," and made up of "perjurers," "bribers," and "changepocket thieves." Phillips, however, at the beginning of his series, enjoyed a large measure of public credibility as a widely respected writer in the employ of a previously reputable magazine owned by a member of Congress.[30]

When Phillips launched the series with an attack on New York Senator Chauncey Depew, President Theodore Roosevelt exploded in anger at the unfairness of the journalist's accusations. Realizing that the series represented a successful effort by Hearst, a political enemy, to discredit his administration, the president wrote a friend, "Hysteria and sensationalism never do any permanent good, and in addition I firmly believe that to the public, as well as to the private individuals, the liar is in the long run as noxious as the thief." [31]

Several days later, the president came to Capitol Hill to lay the cornerstone for what we now know as the Cannon House Office Building. There, for the first time in public, in a clear reference to Phillips, he attacked "the man with the muckrake" as the man who ignores the lofty ideal and "fixes his eyes with solemn intentness only on that which is vile and debasing." He continued:

> There is filth on the floor, and it must be scraped up with the muckrake; and there are times and places where this service is the most needed of all the services that can be performed. But the man who never does anything else, who never thinks or speaks or writes save of his feats with the muckrake, speedily becomes, not a help to society, not an incitement to good, but one of the most potent forces of evil.[32]

Very few senators responded publicly to Phillips' sensationalism. One exception was Joseph Weldon Bailey. Rising in full indignation, the forthright Texas Democrat thundered:

> I despise those public men who think they must remain poor in order to be considered honest. I am not one of them. If my constituents want a man who is willing to go to the poorhouse in his old age in order to stay in the Senate during his middle age, they will have to find another senator. I intend to make every dollar that I can honestly make, without neglecting or interfering with my public duty.[33]

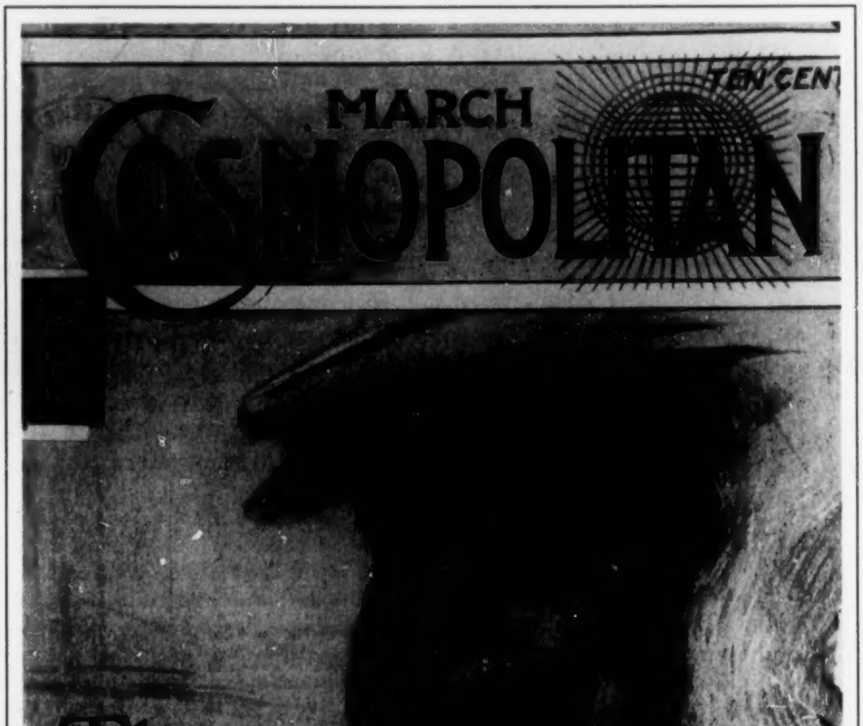
The nation's press generally reacted unfavorably to Phillips. One editor summed up this sentiment, noting, "Those who seek to undermine that confidence and destroy respect are playing with matches in dangerous proximity to a powder magazine." Editors of other muckraking magazines feared that the series, filled with exaggerated claims and intemperate language, would discredit their own efforts to bring reform. Throughout the course of the series, Phillips received a great deal of criticism. The charge that bothered him most came from the editor of *Collier's,* who, in November 1906, wrote:

> "The Treason of the Senate" has come to a close. These articles made reform odious. They represented sensational and money-making preying on the vogue of the literature of exposure, which had been built up by truthful and conscientious work . . . Mr. Phillips's articles were one shriek of accusation based on the distortion of such facts as were printed, and on the suppression of facts which were essential.[34]

After completing the series, Phillips gratefully returned to his career as a novelist. Tragically, that career was cut short six years later, in January 1911, when, at the age of forty-three, he was gunned down near New York City's Gramercy Park. His assailant was Fitzhugh Goldsborough, a member of a prominent Washington family, who mistakenly believed that he and his sister had been slandered in Phillips' novel *The Fashionable Adventures of Joshua Craig.* As the writer lay dying, he murmured, "I could have won out against two bullets, but it is pretty hard against six." Although Phillips did not live to see the passage of the direct election amendment, there is no doubt that his series played a significant role in stimulating existing popular sentiment to that end.[35]

Between 1893 and 1902, the House of Representatives had, on five occasions, passed a direct election resolution. After 1902, the House stopped trying, for nineteen resolutions submitted over three decades had quietly submerged in the still waters of the Senate Committee on Privileges and Elections. The Phillips series and the increasingly militant attitude of state legislatures, some of which were talking of calling a constitutional convention, if necessary, to get action on the amendment, began to have an impact on senatorial indifference. Certainly, the most significant determinant of a more receptive climate in the Senate was the fact that a growing number of senators owed their seats to some form of popular referendum, along the lines of the Oregon model. Obviously, members elected in this manner would find it difficult to oppose a direct election resolution. As Idaho's Senator William Borah noted, "I should not have been here if it had not been practiced, and I have great affection for the bridge which carried me over." [36]

Chances for a break in this stalemate increased on December 13, 1909, when a resolution proposed by Senator Joseph Bristow was sent to the Judiciary Committee instead of the more hostile Committee on Privileges and Elections. After more than six months passed without committee action, Senator Bristow entered a discharge motion in June 1910, noting that the legislatures of thirty-three states had declared their support for direct election. Finally, the committee chairman, Clarence Clark of Wyoming, told Bristow that he was going to set up a special subcommittee and asked him if he would like to name a member. Bristow recommended


MARCH
COSMOPOLITAN
TEN CENT
The Treason of the Senate
by
David Graham Phillips

Cast as a sinister-looking senator, New York's Chauncey Depew appeared on the cover of *Cosmopolitan* when "The Treason of the Senate" series began in March 1906. *Library of Congress*

Borah, who turned out to be the resolution's only supporter on that panel. However, in January 1911, when the resolution finally reached the floor of the Senate, it contained a major and potentially fatal committee amendment.[37]

Article I, section 4, of the Constitution provides that state legislatures may prescribe the "time, places, and manner" of holding senatorial elections, but that Congress may, at any time, make or alter regulations pertaining to the time and manner of these elections. This was the basis of the 1866 statute that fixed the time when legislatures were to elect senators. The committee's amendment, engineered by southern Democrats, provided that section 4 of the Constitution be modified to remove Congress' power over Senate elections. The southern senators, in spite of their support for direct election, feared that the states would lose control of those elections once they were removed from the legislatures. To ensure that this did not happen, they wanted an explicit guarantee that states would be able to regulate senatorial elections without interference from Congress; otherwise, they envisioned a return to the Reconstruction Era's federal intervention in southern elections in order to allow blacks to vote.[38]

Senator George Sutherland of Utah immediately offered an amendment to restore the original direct election intent of the resolution. He and other supporters of Bristow's original resolution pointed out that the committee's amendment proposed, in effect, not one but two constitutional changes. It would expressly transfer to the states exclusive power to regulate Senate elections, while leaving to Congress jurisdiction over elections of the president and members of the House of Representatives.[39]

Debate over the Sutherland amendment to leave federal elections in control of Congress generated far more controversy than the basic proposal for direct elections. Idaho's Senator Borah had supported the committee's amendment as the price of getting the direct election resolution to the Senate floor. To diminish that amendment's impact, he rationalized that Article I, section 5, of the Constitution, providing that each house shall be the judge of its members' elections, offered the Senate all the guarantees it needed for control over the selection of its members. He charged that supporters of Sutherland's proposal lacked sincerity and wished to kill the direct election proposal by drawing the race question into it. In a speech that received broad national coverage, Borah said:

> We have used the Negro as a political football about as long as our own sense of decency or the Negro's developing intelligence will permit. If we have a constitutional power which may be used to his advantage, we ought to use it whenever and wherever he is being wronged. If we have not such power, we ought to cease to mislead him and have the courage to state to him the truth. We ought at least to cease surfeiting the Negro on these soporific applications of rhetoric, these tender and moving protestations embalmed from year to year in the *Congressional Record*. . . .
>
> Let me say to the Negro from my place in the Senate, although I know my voice will not be heeded nor carry weight with others, but I wait for time to make good—after the exigencies of this debate are over, after this resolution has again been killed, if they should succeed, you will never again hear anything about the virtues or the power of section 4 [of the Constitution]. No measure will be offered here, no bill passed under it for the substantial advantage or benefit of the Negro. Let me say to the black man of the South and to his black brother in the North, do not permit the anxious and restless and hopeful spirit to call you from the path you are pursuing of working out your own salvation.[40]

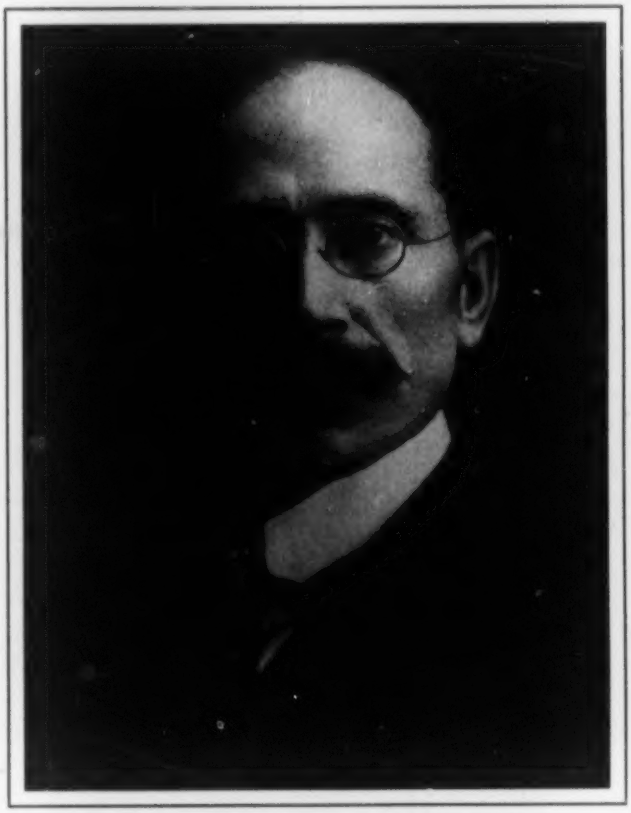
After six weeks of intense discussion, the Senate approved the Sutherland amendment by a 50 to 37 margin.[41] At least half of those in the majority, however, turned out, as Borah had predicted, to be no friends of direct election. Their strategy was to pass that amendment, so obnoxious to many southern senators who otherwise favored direct election, so that those members would vote against the resolution itself. And that is exactly what happened four days later as the resolution fell five votes short of the necessary two-thirds majority.[42]

At that point, time ran out on the Sixty-first Congress. Under normal circumstances, the Sixty-second Congress would not have convened until the following December, but President Taft called both houses back early in April 1911 to deal with a controversial Canadian reciprocal trade agreement. The House moved quickly, introducing a resolution identical to the one that the Senate Judiciary Committee had reported in the previous session. As in the Senate, an amendment identical to Sutherland's was debated in the House, but, on this occasion, it was solidly defeated. Then the House went on to pass the resolution, 296 to 16, with the provision for state control of Senate elections firmly in place.[43]

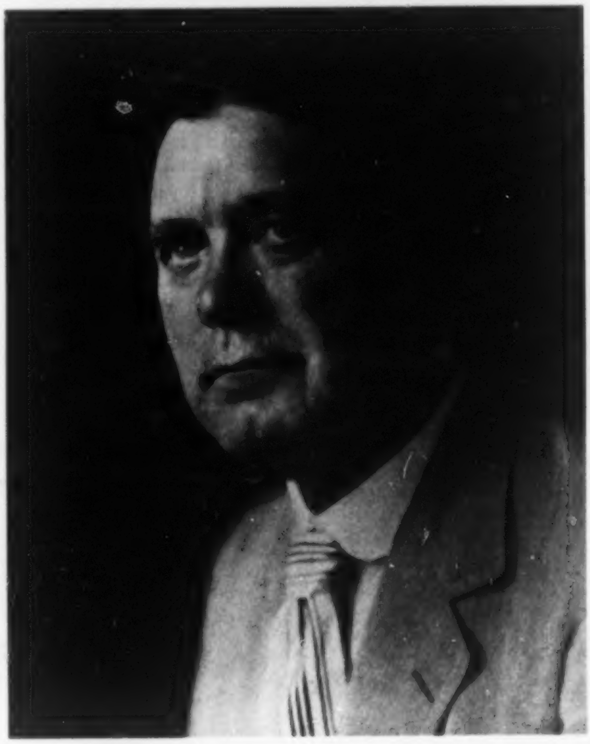
In the Senate, the House resolution was first referred to the Committee on Privileges and Elections. On reconsideration, the measure was pulled out of that burial ground for such proposals and sent to the Judiciary Committee. Within a half hour of the resolution's referral, Senator Borah reported it back to the Senate favorably and without amendment. On May 8, 1911, Borah succeeded, on a vote of 66 to 5, in having the House resolution made the unfinished business.[44] On the following day, Borah made it clear that he intended to press for continuous consideration of the resolution until it was disposed of. The Idaho senator retained control of the Senate's time until he was able, on May 24, to obtain a unanimous consent agreement that the Senate would take up the resolution on June 12 and vote on all amendments, as well as the bill itself, before the close of that legislative day.[45]

The most important amendment was offered by Kansas Senator Joseph Bristow. It was identical to the Sutherland amendment of the previous Congress. When debate opened on June 12, 1911, it again focused on the issue of federal control of Senate elections, rather than on direct election itself. A dramatic vote on the Bristow amendment ended in a tie. Accordingly, Vice President James Schoolcraft Sherman cast a tie-breaking vote in the affirmative. The Senate then proceeded to vote on the resolution and adopted it by a margin of 64 to 24. Among those in opposition were eight southern senators as well as every Republican senator from the New England states, New York, and Pennsylvania.[46]

Immediately following the final Senate vote, Senator Augustus Bacon of Georgia



Kansas Senator Joseph Bristow proposed the resolution that led to the Seventeenth Amendment.
U.S. Senate Historical Office



Senator William E. Borah led the fight in the Senate for direct election of senators.

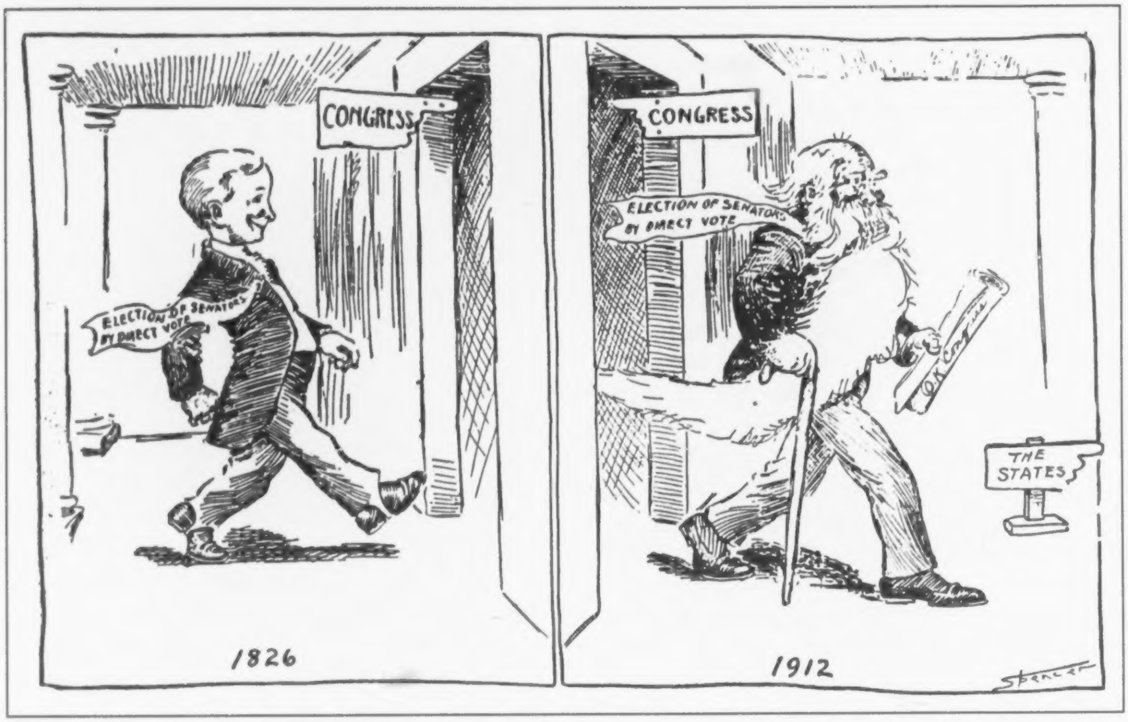
U.S. Senate Historical Office

raised a point of order to the effect that the Senate had been sitting as a committee of the whole when it acted on the resolution. When the chair sustained his point of order, Bacon introduced an amendment, qualifying the Bristow amendment, that would prohibit federal supervision unless state legislatures failed or refused to act. He lost his amendment by the narrow tally of 43 to 46.[47]

On the following day, Bacon sought to reverse the Senate's action, by challenging the vice president's authority to give a tie-breaking vote on a constitutional amendment. Bacon argued that the vice president's role extended only to normal legislative business that required presidential action. Senator Weldon Heyburn of Idaho effectively countered Bacon's argument that the vice president can vote only on legislative business, by referring to an 1850 precedent in which Vice President Millard Fillmore cast the decisive vote in a deadlock over the selection of a Senate chaplain, and to an 1832 precedent when Vice President John C. Calhoun gave the casting vote on the nomination of Martin Van Buren to be ambassador to England. The Senate turned aside Bacon's challenge, and its action stands today as a specific precedent underscoring the vice president's authority to "break a tie on the adoption of an amendment to a proposed amendment to the Constitution."[48]

When the Senate's amended resolution was put to a vote in the House, it was defeated by a sizeable margin of 111 to 171. The Senate subsequently voted to insist on its amendment, and both bodies appointed conferees. The result was further frustrating stalemate. The first session of the Sixty-second Congress ended in August 1911 and the second session convened in December without action. After sixteen meetings, the conferees reported to the Senate in April 1912 that they were unable to reach agreement. The Senate again voted to insist on its amendment. Finally, on May 13, 1912, opponents in the House gave way to increasing popular pressure. On the eve of the Democratic National Convention, at which House Speaker Champ Clark figured to be a leading contender for his party's nomination, the Speaker and other party leaders decided to take what they could get rather than to sacrifice the entire direct election movement.

By a vote of 238 to 39, with 110 members not voting, the House cleared the way for the direct election amendment to go to the state legislatures for ratification. A campaign that had begun eighty-six years earlier, in 1826, with the introduction of the first resolution in the House, had come to a victorious conclusion.[49]


CONGRESS
ELECTION OF SENATORS BY DIRECT VOTE
1826
CONGRESS
ELECTION OF SENATORS BY DIRECT VOTE
O.K. Congress
THE STATES
1912
Spencer

Direct election of senators took almost a century to achieve, as portrayed in this 1912 cartoon in the *Omaha World Herald*. *Library of Congress*

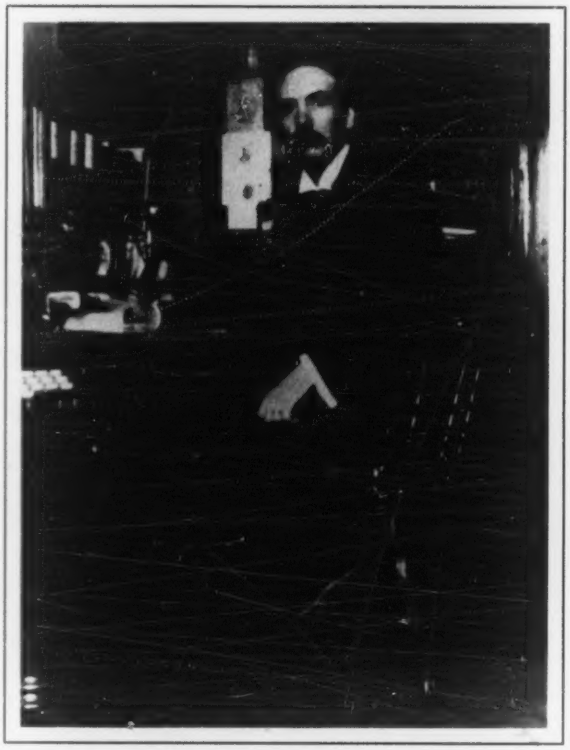
The amendment reached the various state legislatures shortly after the House action. Less than one year later, on April 8, 1913, the legislature of Connecticut ratified the amendment, providing the necessary three-quarters of the states in agreement. On May 31, 1913, Secretary of State William Jennings Bryan placed his signature on the Seventeenth Amendment. The new amendment read as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.
>
> When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided,* That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.
>
> This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.[50]

Mr. President, the direct election amendment passed the Senate at a time when the chamber's membership was undergoing a dramatic change in composition. The turnover of members and the resulting lower seniority base were particularly striking. In 1913, 73 percent of the Senate's members were serving in their first six-year term. That percentage has never been attained since. Today, 44 percent have served less than six years. The most senior member in 1913, Jacob Gallinger, had served only twenty-three years, whereas two decades earlier, there were several thirty-year veterans. Today, we have nine members who have served longer than twenty-three years. Clearly, informal election mechanisms, modeled on Oregon's, had made their impact long before the passage of the Seventeenth Amendment. I should note at this point that the last senator elected under the old system was Joseph Robinson, Democrat of Arkansas—who at one time occupied my desk and was Majority Leader—and the first under direct election was Blair Lee, Democrat of Maryland.[51]

Mr. President, at the beginning of the twentieth century, the campaign for direct election of senators attracted the attention of a young professor of government at Worcester Polytechnic Institute in Massachusetts named George Henry Haynes. I have referred to Haynes often in my remarks on the Senate's history. Several years earlier, Haynes had completed his Ph.D. at Johns Hopkins University on the subject of representation and suffrage in seventeenth-century Massachusetts. By 1900, he had broadened his interest, as evidenced in his publication *Representation in State Legislatures.* Research for that study had led Haynes to an investigation of the role of state legislatures in selecting United States senators. He came to realize that this one function, conferred by the Constitution on those bodies, was sapping their vitality and keeping them from addressing issues of more direct importance to their constituencies.[52]

As a result of his research, Haynes produced a thorough book on the subject entitled *Election of Senators.* His volume was published in 1906 just as David Graham Phillips' "The Treason of the Senate" series was making its appearance in *Cosmopolitan.* The two, one scholarly and the other sensationalized, had a great combined impact on public opinion. Of the two, Haynes' book certainly provided the most balanced treatment. Haynes realized that the Senate was far more responsive to the popular will than the most passionate proponents of direct election were willing to acknowledge; yet, he knew that, in the long run, the formal mechanism of senatorial election was important. As he explained, "Whether the Senate be regarded as the sheet anchor of the Republic in the troubled seas of democracy, or as the stronghold of corporate interests—as the country's only safeguard, or as its chief menace—the question becomes one of paramount importance: how do men come to their membership in this overpowering body?" [53]



The writings of political scientist George H. Haynes influenced debate over direct election.

Worcester Polytechnic Institute

He continued on a cautionary note, making an observation that is as true today as it was when he wrote it in 1906, or in 1913 in the wake of the Seventeenth Amendment's ratification. Haynes warned that

> electoral forms and methods are of slight import, except as they affect the spirit of the choice, and that neither the continuance of the present system [of legislative election], nor the resort to popular election, can long secure the Senate which the best interests of the country demand, unless back of the method there be found the vigilance, the intelligence, and the conscience of the individual voter.[54]

Within several months of the Seventeenth Amendment's ratification, Haynes provided an assessment of its likely impact on the Senate. I shall quote his remarks at length:

> Are there indications that popular election may impair the Senate's high tradition and prestige? It seems evident that, with the growing directness of responsibility to the people, the type of Senator is undergoing change. While it may prove to be a passing phase, due to blurred party lines, nevertheless Senatorial service is now obviously growing shorter. This involves a loss in experienced statecraft, which in the past has given to the country some of its ablest leaders. The Senators of the present day are younger than their predecessors; they have come to their membership in the foremost legislative body of the world with less of lawmaking experience than their predecessors had had. Moreover, there seems to be a distinct and psychologically explicable tendency to turn from men wise in council—who have made the reputation of the Senate in the past—to men of the more dramatic executive qualities. An aptitude for getting things done makes a stronger appeal to the voter than a capacity for deliberate—perhaps too deliberate—study of what it is wise to do. Many a Senator, whose work has been most serviceable, has had few gifts that would make him a successful vote-catcher. For the future it is going to be harder for a Senator of manly independence to hold to a course which does not square with the opinion of the day; for his chance of re-election will be largely determined not by whether his acts have been wise, but by whether they have been popular. In our exultation over the prophesied banishment from the Senate of the reactionaries, the "representatives of predatory wealth," and other belated survivals, we have reason for some concern lest our upper chamber is losing something of the distinction of manner, the type of mind, the poise of judgment, which have characterized our foremost Senator-statesmen. In our haste to be rid of the conservative, is there no danger that we shall at the same time turn out the conservator?[55]

Mr. President, his study of Senate election practices taught George Henry Haynes a great deal about the Senate's procedures and traditions. Building upon his earlier experience, he published in 1938 a magnificent two-volume work entitled simply *The Senate of the United States.* I am fortunate to have been given, several years ago, his two volumes. In their preface, he noted that, although there existed a great number of highly focused and specialized studies on the Senate, "no book has appeared that has dealt with the Senate with the comprehensiveness that has been accorded to the presidency, the Supreme Court or the House of Representatives." The reason for this gap, Haynes explained, was that "each of the other great branches of our governmental organization has a certain unity of scope. But the Senate's tremendous powers are not merely legislative, but executive, judicial, and investigative as well. To organize such diverse material in a co-ordinated survey," he continued, "cannot fail to be a task forbidding in prospect and difficult in process."[56]

I am pleased to report that Mr. Haynes succeeded in that task. Although his book is marred by minor errors and the inevitable changes that nearly fifty years have wrought, it remains an invaluable resource that has yet to be equalled. Surprisingly, Haynes had great difficulty in finding a publisher. For nearly a decade, he negotiated with the company that finally accepted his work. That firm tried, however, to get him to reduce the text to a single volume and asked him to raise the five thousand dollars necessary to purchase the printing plates. About to retire on half salary after a half century of teaching, Haynes sought in vain to raise the funds. Only the coincidence of the then forthcoming 150th anniversary of the Senate finally convinced the publisher to issue the entire work as Haynes had prepared it. I truly hope that the approaching 200th anniversary of the Senate in 1989 will stimulate publication of scholarship equal in scope and detail to George Haynes' efforts.[57]

CHAPTER 22

The Woodrow Wilson Years 1913–1920

March 8, 1984

Mr. President, 1913 was a very important year for the Senate. I devoted my last talk to the Seventeenth Amendment to the Constitution, ratified that year, providing for direct popular election of senators. The year 1913 also brought dramatic changes in the composition of the Senate, in relations between the Congress and the president, and in the nature of actual legislation passed.

On November 5, 1912, Woodrow Wilson, the liberal Democratic governor of New Jersey, defeated the Progressive party candidate, Theodore Roosevelt, and the Republican candidate, incumbent William Howard Taft, to become the first Democratic president in sixteen years. Not only was there a Democrat in the White House after a long hiatus, but, for the first time in eighteen years, there also were Democratic majorities in both the Senate and the House.

The campaign of 1912 had been fought principally between Roosevelt and Wilson. Roosevelt's New Nationalism platform envisioned a strong central government to control and regulate business and to legislate social reform, while Wilson's New Freedom proposed a restoration of competition and free private enterprise by destroying the special privileges that permitted monopolies to exist. Wilson considered monopolies to be irredeemably evil, whereas Roosevelt believed they were not harmful as long as they were controlled by federal law. While the New Freedom triumphed to the extent of Wilson's election, a broader spirit of reform and liberalism prevailed. Even Eugene Debs, the Socialist candidate, received almost a million votes that November. When, on March 4, 1913, Wilson—long-faced, idealistic, self-confident, and eloquent; preachy, overbearing, and self-righteous—took his oath, the swelling tide of reform had finally reached the highest councils of government.[1]

No one who had read Wilson's writings could have doubted that he would initiate a new system of presidential leadership. Ever since his years as a graduate student at Johns Hopkins University, where he prepared a dissertation on congressional government, he had been impressed by the lack of leadership in the presidential-congressional system. Roosevelt's success in arousing public opinion and setting Congress into action had convinced Wilson that, within the presidency, there lay power sufficient for effective leadership, and he was determined to use it more constructively than had his predecessors. Indeed, Wilson's strengthening and extension of the presidential powers constituted, perhaps, his most lasting contribution to American political practice. These changes began in his relationship with Congress.

During Wilson's first years in office, relations between the White House and the Congress underwent a drastic change. Roosevelt had fought Congress and had often gone over its head to the people to force action, but he was never able to establish the primacy of his office over the conservative leadership in the legislature. Taft had shied away from even contesting for dominance. Wilson tried a different tack. A strong believer in party government, he decided to work through, and with, his party in Congress. Moreover, he conceived of himself as the leader of his party, as the only leader who could speak for it and the country. Therefore, he felt personally charged with the sponsorship of important legislation; and, for the first time in many years, the executive formulated a complete legislative program and worked closely with committee chairmen in giving body to it.

Wilson's methods of dealing with the Congress were at first spectacularly successful, but they succeeded, in large measure, because of the peculiar circumstances that prevailed during his first administration. Unlike his immediate predecessors, Wilson did not have to contend with opposition from such mighty figures as Joe Cannon in the House or, in the Senate, the powerful Nelson Aldrich, the last of The Senate Four. Also, because of the rupture among Republican progressive and regular factions, the Democrats had a handsome majority of over 150 votes in the House during the critical first two years of the Wilson administration. In the Senate, most of the Democrats were able, responsible, and progressive—as eager as Wilson, himself, to give the administration early successes. The young progressive group of Democratic senators constituted a virtual galaxy of stars: Joseph T. Robinson of Arkansas, Henry F. Ashurst of Arizona, Thomas J. Walsh of Montana, William Hughes of New Jersey, Henry F. Hollis of New Hampshire, Robert L. Owen of Oklahoma, and Atlee Pomerene of Ohio. Even the older, more conservative Democratic leaders in the Senate—like Furnifold M. Simmons of North Carolina, Thomas S. Martin of Virginia, John H. Bankhead of Alabama, and William J. Stone of Missouri—signified their readiness to follow the President.[2]

Another reason for Woodrow Wilson's success with the Congress was a strong Democratic floor leader in the Senate. He was John Worth Kern, a progressive from Indiana, and I should like to say a few words about him, he being one of my predecessors in the post which eventually came to be designated formally as Majority Leader. The Democrats knew that they had captured the presidency, the House, and the Senate by a stroke of luck; that stroke was the split in the Republican party which they feared might soon heal. To remain in office, the Democrats had to demonstrate their abilities while they had the opportunity. It was essential, therefore, that the progressive Democratic majority in the Senate work closely with the new president to enact as much of his program as possible before the next election, and it was essential that they find the right man to lead them.

Late in February 1913, thirty of the fifty-one Senate Democrats, almost all of them progressives, met at the home of Tennessee Senator Luke Lea on Massachusetts Avenue to decide on their candidate for the leadership. Kern was their choice. He is unique in the history of the Senate, for no other member has been called to the leadership of the majority caucus after only two years of service. Kern had come to the Senate in 1911 at the age of sixty-two. But there were several good reasons for his selection. Above all, these Democrats wanted a leader known nationally as a progressive in complete harmony with the party's campaign platform and with the incoming president's program. Kern was both, for, although he was a newcomer to the Senate, he was widely known in state and national Democratic circles. Second, with such a meager majority, when the defection of just three Democrats might wreck the party program, nothing was more important than for the leader to display infinite tact. This, along with ineffable patience, Kern possessed in great measure.[3]

Officially, Senator Kern's title was that of chairman of the Democratic caucus, since no post of Majority Leader had yet been created. But because of the particular circumstances that the Democrats faced, and the difficulties they expected to encounter as they worked to enact Wilson's ambitious program, Kern as caucus chairman regularly acted as floor leader, speaking for his party, scheduling debates, managing bills, and planning legislative tactics. Thus, in March 1913, the *New York Times* explained that Kern's election as caucus chairman made him "the Democratic floor leader in the Senate," and, in May 1913, called him "Majority Leader Kern," even though the Democratic party did not formally designate a "leader" until 1920.

Senator Kern convened the caucus frequently during 1913 and 1914, and held the party together throughout the intense floor debates on the Underwood Tariff, the Federal Reserve Act, and the Federal Trade Act, winning enactment of all three of these pillars of the first Wilson administration. Senator Kern needed every ounce of patience and tact that he possessed to hold his troops in line. Unfortunately, Kern's leadership was abruptly ended in 1917, after just one term, following his reelection defeat by a slim margin.

John Worth Kern of Indiana acted as Democratic floor leader and was Wilson's ally in the Senate.
U.S. Senate Historical Office

The first item on the president's legislative agenda was to smash the system of privileged tariff protection that Republicans had been strengthening since 1861. On the day of his inauguration, Wilson called a special session of the new Sixty-third Congress, and, on April 8, he came to the Capitol in person and delivered a short message before a joint session of Congress. It was a dramatic move—not since John Adams, had a president appeared personally before the legislative branch. Wilson wanted the members of the Congress to see for themselves, he said, that he was a real person, "not a mere department of the Government hailing Congress from some isolated island of jealous power." He wanted them to think of him as a colleague in the great work of tariff reform that they were about to undertake. The following day, he came again to the Capitol and held the first of many conferences with Democratic leaders; thus, Wilson not only asserted his personal leadership but also focused the attention of the nation on Congress.[4]

The tariff bill, introduced in the House by Alabama's Oscar Underwood, bore Wilson's imprint. It constituted a sharp and historic reversal of all previous tariffs, lowering the average rates by about 29 percent, putting scores of everyday items on the free list so that their cost to consumers would drop, and all but ending the principle of protection. Anticipating a decrease in customs receipts of about $100 million because of the lower rates, the House Ways and Means Committee added a provision for a graduated income tax. Drafted by Representative Cordell Hull of Tennessee, a leader in the struggle for tax reform, it became the first income tax under the Sixteenth Amendment, which had been ratified several months earlier. Although exemptions were high and the graduated surtax was low, the measure was of great importance.

The Underwood bill easily passed the House on May 8 by an impressive vote of 281 to 139. It quickly ran into trouble in the Senate, however, when the expected hordes of lobbyists—so numerous, said Wilson, that "a brick couldn't be thrown without hitting one of them"—went to work on members. Wool and sugar lobbyists, spokesmen for the cotton manufacturers, citrus fruit growers, and others were bombarding senators with resolutions, petitions, and appeals. Public attention focused on the Senate. Would the Democrats betray party pledges, as they had done during the passage of the Wilson-Gorman and Payne-Aldrich bills, by surrendering to the lobbyists and rewriting the tariff measure in the interests of the manufacturers?[5]

Wilson refused to wait for an answer. In a dramatic maneuver that gave fire and daring to his leadership, the president struck first. On May 26, he issued a statement denouncing the "industrious and insidious" lobby. "It is of serious interest to the country," he declared, "that the people at large should have no lobby and be voiceless in these matters, while great bodies of astute men seek to create an artificial opinion and to overcome the interests of the public for their private profit."

Reaction to Wilson's sensational statement was at first unfavorable—especially in the Senate, where Democrats feared he had overplayed his hand. In a move calculated to embarrass the administration, Republican Senator Albert Cummins of Iowa proposed the appointment of a special investigating committee. The Democrats, of course, could not object, and when Senator Robert La Follette, Sr., of Wisconsin suggested that all senators disclose their own property holdings that might in any way be affected by tariff reductions, no senator dared publicly protest. What had begun as a political maneuver soon became a sweeping investigation into the activities of private interests in behalf of legislation.

The results of Wilson's maneuver turned out to be more favorable than even he had hoped. The press and the public supported him. Each senator came before the special lobby committee and dutifully told how many shares of coal or steel stock or acres of sugar land he owned. Albert Fall of New Mexico, for example, revealed that he owned cattle, horses, sheep, and coal lands. And Senator Henry F. Lippitt of Rhode Island, long a foe of reduced tariffs on fabrics, admitted that he had extensive holdings in textile mills in New England. Under this glaring spotlight, the pressure of the lobbyists and the opposition of protectionist senators quickly wilted.[6]

Led by Furnifold Simmons of North Carolina, chairman of the Finance Committee, the Democrats triumphed and, on September 9, by a vote of 44 to 37, passed the revised tariff bill. Observers could hardly believe what they saw. Instead of yielding to the antireform sentiments of manufacturing interests, the Senate had actually effected a general reduction of the House-passed Underwood rates. The House conferees accepted most of the Senate amendments, and the revised bill was approved by the House on September 30 and by the Senate on October 2, 1913.[7]

There was no doubt about the significance of Wilson's victory in the tariff fight. Whether the Underwood Tariff would actually reduce the cost of living was less important than the fact that the Senate had proved itself free of shackling alliances with special privilege and capable of concerted, positive action. This victory firmly established Wilson's dominance in the Democratic party. It was fortunate for him that events turned out as they did, for another and more important struggle was in progress between the president and the Congress. This was the president's campaign to free the nation's banks and businessmen from monopolistic control. It was a battle in which Wilson needed all the support he could find.[8]

No objective stood higher on the Democratic agenda than banking and currency reform. Everyone, including bankers and businessmen, recognized the need for a reorganization of the system, in place since the Civil War, that was rapidly becoming less able to meet the needs of an industrialized nation. But there was little agreement on what its replacement should be. In the House, the Democratic-sponsored reform measure called for a system of decentralized Federal Reserve banks. It had the warm support of the president and was introduced by Carter Glass of Virginia, a gentlemanly but irascible little man weighing about one hundred pounds. It immediately met with protests from southern Democratic agrarian spokesmen demanding more radical change.

During the summer of 1913, Wilson and his advisers moved from crisis to crisis. No sooner had they consolidated Democratic support in the House behind the Federal Reserve bill, placating those within the party who would go farther, than a storm of abuse arose from bankers, businessmen, and their spokesmen in Congress. All denounced the Federal Reserve bill as socialistic, theoretical, and vicious. Despite their objections, the bill passed the House in September. Wilson then felt he could relax, for prospects for prompt action by the Senate seemed bright. The outlook darkened suddenly, however, when three Democrats on the Banking Committee—James O'Gorman of New York, James Reed of Missouri, and Gilbert Hitchcock of Nebraska—bolted their party and upset the president's legislative timetable. Their reasons for dissenting varied. Hitchcock's opposition stemmed from the fact that he was himself a banker and spokesman for the banking industry, and from his resentment at the administration's patronage policies in Nebraska. Reed bolted because Wilson would not appoint his candidate as postmaster of Kansas City. (Wilson finally named Reed's man.) O'Gorman, a Tammany Hall man, wanted to teach the president that he should not attempt to coerce the Senate.[9]

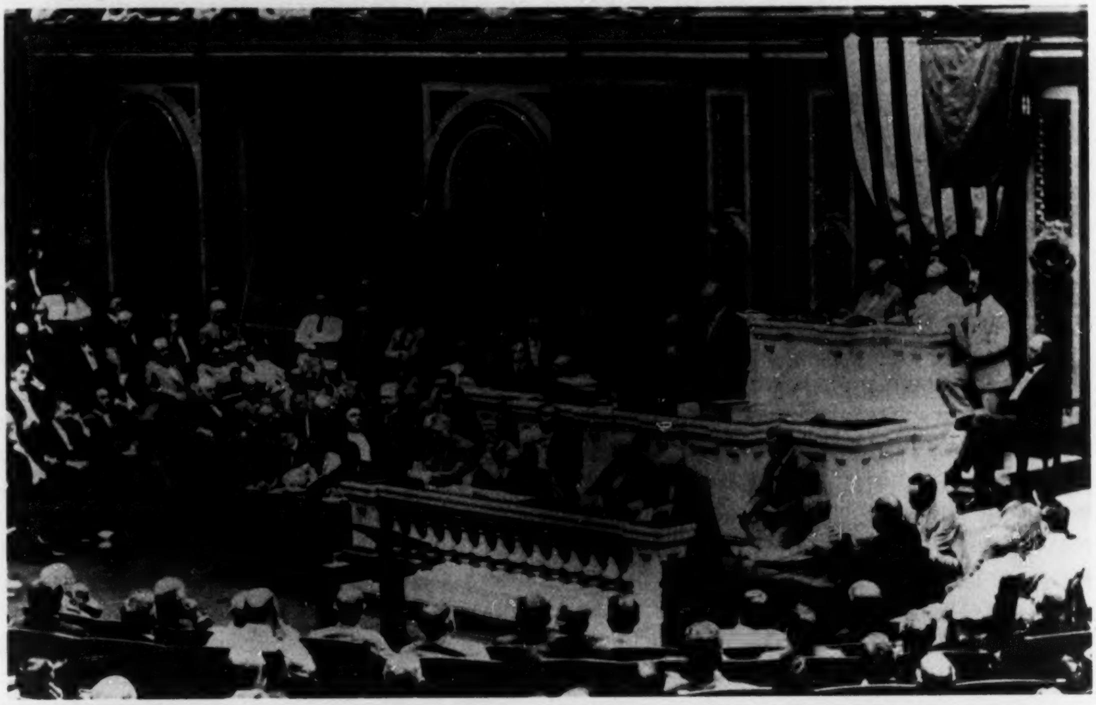
The Republican-Democratic coalition that remained in control of the Banking Committee insisted on holding a long series of new hearings, which proceeded at a leisurely pace throughout September and October. Wilson was furious. He worked almost constantly with his leaders in the Senate, urging and pleading, even threatening to go to the people if the obstructionists persisted in blocking the Federal Reserve bill. His party leaders were as indignant as he, but they were helpless. The situation suddenly changed in mid-November 1913, when O'Gorman and Reed, the one intimidated and the other satisfied, surrendered. The bill was reported out, and floor debate began at once. The Democratic leadership was determined to see the bill enacted before Christmas. The Senate passed the measure, 54 to 34, on December 19. Four days later, the president signed his hard-earned Christmas present.[10]

The creation of the Federal Reserve System was the crowning achievement of the Sixty-third Congress and, indeed, of the first Wilson administration. Despite the conservative attack in the Senate, its basic structure—twelve Federal Reserve banks, privately controlled, regulated and supervised in the public interest by the Federal Reserve Board—still remains. It proved to be a significant reform of the very heart of the American economy. It destroyed the control of money and credit by a few banks centered on Wall Street, created a more flexible and sound currency, and permitted a planned supervision of banking reserves to meet the country's needs.

Wilson had promised, in his New Freedom program, to destroy monopoly and restore free competition. Not until the middle of November 1913, however, with the Underwood bill passed and the Federal Reserve bill safely on its way to passage in the Senate, did he focus on details. On November 20, he began a long series of conferences with Democratic leaders in the House and Senate, asking their views and requesting their recommendations. In January 1914, for the fifth time, the president addressed a joint session of Congress to outline his ideas for a new antitrust act. The antitrust measures advocated by Wilson were embodied in a series of bills, soon to be combined into one bill, introduced in the House by Representative Henry Clayton of Alabama. A second measure, introduced by James Covington of Maryland, provided for an interstate trade commission to supplant the old Bureau of Corporations. The predictable objections to these two bills arose from many quarters: from small businessmen who wanted a stronger trade commission; from progressives who thought the Clayton bill too weak; from southern Democrats and agrarians who wanted to smash the trusts completely; and from labor unions that wanted to be exempted from the "combinations in restraint of trade" provisions of Clayton's measure.

The forces on both sides argued in the House and Senate throughout the summer of 1914, but, finally, in August, the Senate passed the Federal Trade Commission bill by a bipartisan vote of 53 to 16. The House agreed a month later, and the measure became law on September 10.[11]

In the meantime, Wilson seemed to lose interest in the Clayton bill, which was being seriously weakened in the Senate. Supporters here felt they had been cut adrift, with the result that one after another of the bill's strong provisions were amended into innocuousness. "When the Clayton bill was first written," said Senator Reed, "it was a raging lion with a mouth full of teeth. It has degenerated to a tabby cat with soft gums, a plaintive mew, and an anemic appearance. It is a sort of legislative apology to the trusts, delivered hat in hand, and accompanied by assurances that no discourtesy is intended." Wilson was finally moved to complain that Senator Charles Culberson of Texas, chairman of the Judiciary Committee, had made the bill "so weak that you cannot tell it from water," but he did not act to restore any of



President Wilson frequently addressed Congress, wanting members to know he was not hailing them "from some isolated island of jealous power." *Library of Congress*

the bill's former force before its passage in October.[12]

With the passage of the Clayton Antitrust Act, Wilson considered his program of economic reform complete. Few progressives in the Senate, however, agreed with him, and such groups as agrarians and organized labor still pressed for passage of a host of measures to commit the federal government to further social and economic reform. To the disappointment of his Democratic allies in the Senate, the president refused to support their bills for long-term rural credits, refused to support woman's suffrage—claiming that it should be left to the states—and gave no help to a child-labor bill, declaring that such interference in the affairs of industry was unconstitutional.

The degree to which Wilson outraged progressive sentiment in the Senate did not become apparent until June 1914, when he forwarded his nominations for the Federal Reserve Board. Progressives were shocked and astonished at the list of conservative bankers and businessmen."Why, it looks as if Mr. Vanderlip [president of the National City Bank of New York] has selected them," exclaimed one progressive Republican senator. Insurgent anger in the Senate centered on two of the nominees—Thomas Jones and Paul Warburg. A former trustee of Princeton University and a close friend of Wilson, Jones was one of the owners of the so-called Zinc Trust and a director of International Harvester Company, then under state and federal indictment for being an illegal combination. Warburg, an authority on the European banking system, was a partner in Kuhn, Loeb and Company, one of the great Wall Street banking houses.[13]

In reply to Senate attacks on his friend Jones, Wilson addressed a public letter to the Senate Banking Committee, defending Jones and explaining that he had become a director of International Harvester to help bring that corporation into conformity with the law. Jones appeared before the committee, however, and affirmed that he had not gone on the board to reform it. Consequently, the Banking Committee refused to approve Jones' nomination, and Wilson, much embarrassed, asked him to withdraw. Warburg, insulted by the senatorial opposition, at first refused to appear before the committee. Finally, the president persuaded him to swallow his pride. He appeared, and the Senate confirmed his appointment. The incident ended there, but the most startling aspect of the Jones-Warburg affair was Wilson's reaction and the way he came forward as champion of big business.[14]

A week after the Jones-Warburg affair ended, the outbreak of war in Europe diverted the nation's attention to other matters. The confusing developments abroad proved a godsend to the Democrats during the ensuing 1914 congressional campaign. Their most important asset was the continued disruption within Republican ranks, with Roosevelt and the Progressives making one last effort to establish themselves as a major party. In spite of many advantages, the Democrats made a poor showing in the November 3 elections. While they picked up six important Senate seats, the Democrats lost fifty seats in the House. Although the movement for reform appeared moribund on that November 1914 election day, in fact, the process was but temporarily halted.

Before I complete that story, I shall turn to events more portentous for the immediate future of the American people: those in the realm of foreign affairs. "It would be the irony of fate if my administration had to deal chiefly with foreign affairs," Wilson had remarked to a Princeton friend just before he went to Washington. As it turned out, fate was not only ironic but also cruel, for the new administration had to cope with foreign problems of such a magnitude as had not confronted the nation since the early years of the nineteenth century.[15]

Wilson and his secretary of state, William Jennings Bryan, began their foreign policy early in 1913 on a high note of idealism, which most Democrats and progressives in Congress applauded. Bryan quickly negotiated conciliation treaties with twenty-nine countries, providing for six-month or year-long cooling-off periods during which it was hoped that antagonisms would evaporate. Signatories agreed to refer disputes to investigatory commissions and to refrain from going to war or increasing armaments until after receiving the commissions' reports. "No one except Bryan," complained one of the dissidents, Senator Henry Ashurst, "believes that his treaties will preserve the peace." But, nevertheless, the Senate consented to ratify twenty of them.[16]

Wilson's idealism gradually took on a stern, crusading, self-righteous tone. What historian Arthur Link has dubbed Wilson's "missionary diplomacy," led to United States intervention in Japan and Latin America, which increased anti-American sentiment around the world and led to many stormy confrontations in the Senate over foreign policy. These struggles, however, paled in comparison to the devastating global war that confronted the administration and strained its relations with the Senate to the snapping point.

The start of the Great War in Europe came as a sobering surprise to most Americans; but, despite divided sympathies, Congress, like the President, at first viewed it as none of America's affair and supported strict neutrality. Wilson narrowly won reelection in 1916 with the peace theme He Kept Us Out Of War. Democrats maintained control of the Senate but divided the House seats almost evenly with the Republicans, so that a few progressives and independents would hold the balance of power in the new Congress.

Following the election, Wilson made fruitless efforts to find a way to end the European conflict. After hours of thought, he decided on the course he believed would best serve the United States and the world. On January 22, 1917, there occurred another first in the Senate's history as the president decided to come to the Capitol to make his plans known in an address to the Senate. Not since the earliest days of the Republic had a president addressed the Senate in such intimate terms, including it so closely in foreign policy formulation. Might he come up to the Hill to tell them what was on his mind? Wilson asked this of the senators in a letter on January 21. Of course, they consented.

The president arrived at one o'clock. He wanted to address only the Senate, but he found the chamber packed to the walls with curious House members who crowded in to watch. He was to speak in open, not executive session, and the galleries, too, were filled to overflowing. The president entered with an escort of five senators, led by Senator William Stone of Missouri, chairman of the Foreign Relations Committee. Wilson spoke with great feeling for half an hour of his personal formula for peace—"peace without victory" and without indemnities and annexations, and an international organization after the war to safeguard a lasting peace. When he was finished, there was enthusiastic applause from the Democratic side of the aisle. From the other side, Senators La Follette, Moses Clapp of Minnesota, and Carroll Page of Vermont were the only Republicans to applaud the president. As we shall see, this act was probably the last kind one La Follette ever performed for Woodrow Wilson. The two men were about to become bitter enemies.[17]

Most Americans supported Wilson's idealism. However, nine days later, on January 31, Germany stunned the nation and the president by announcing the resumption of unrestricted submarine warfare. On February 3, without warning, Germany sank the U.S.S. *Housatonic*. Wilson broke diplomatic relations—a decision the Senate endorsed by resolution, in a 78 to 5 vote on February 7. On February 26, Wilson asked Congress for authority to arm merchant ships. When opposition arose, Wilson released the text of an intercepted dispatch from the German foreign secretary, Alfred Zimmermann, to the German minister in Mexico proposing the return of Texas, New Mexico, and Arizona to Mexico if Mexico would join Germany in war against the United States. The note, which aroused a wave of anti-German hysteria, changed peace advocates into supporters of war overnight and carried the Armed Ship bill through the House on March 1 by a vote of 403 to 13. When the president pressed for the Senate's approval, however, a group of a dozen adamant noninterventionists, led by La Follette and George Norris of Nebraska, launched a filibuster that would have far-reaching consequences.

The filibuster began on March 2, 1917, when the Armed Ship bill arrived in the Senate. Only the day before, the Zimmermann note had been released to the public. Emotions ran high, with public sympathy overwhelmingly on the side of passage. Floor leadership of the bill was placed in the hands of Gilbert Hitchcock because William Stone, chairman of the Foreign Relations Committee, announced he would not support it. Such influential opposition guaranteed a tense situation from the outset. Both supporters and opponents knew that the bill must pass in less than forty-eight hours or die with the end of the session.[18]

The galleries were packed with spectators eager to watch the expected fireworks. William Kirby of Arkansas led off for the opponents, fiercely denouncing the bill and its supporters in an impassioned peroration. Debate continued through March 2, but, after midnight, Hitchcock and his majority permitted a recess until ten o'clock in the morning, when the speeches resumed. Senator Stone, in the longest speech of the filibuster, talked for four hours against the bill. That would not have been long in terms of recent filibusters, I would say. Hourly, the situation grew more embittered as Hitchcock repeatedly asked in vain for unanimous consent to fix a time for a vote. There was no recess that night. Both administration Democrats and regular Republicans were eager to force the bill through and, by persuasion and invective, sought to silence the unsubmissive minority. Ties were loosened, nerves tightened, and tempers grew short. The cloakrooms were cluttered with senators seeking brief naps.[19]

Through the last night on which the Congress could meet, the tiresome speeches went on. At one-thirty in the morning, a conference report on agricultural appropriations unexpectedly came before the Senate, and Asle Gronna of North Dakota insisted upon talking at length on the subject of wheat. At three in the morning, nine senators were in the chamber while Gronna read seemingly endless statistics about grain. In the meantime, other senators shouted with laughter in the Democratic cloakroom over a page's imitations of the filibusterers.[20]

Indignation mounted as the hope of voting on the measure grew slimmer. At three-twenty in the morning, Joseph Robinson, on behalf of the frustrated majority, read a manifesto signed by seventy-five senators declaring that, if a vote could be taken, they would pass the bill. Opposing senators declared that theirs was a right for full discussion of a measure which might plunge the nation into war. Norris spoke at length on the rights of the minority to discuss a measure thoroughly. And to prove his point, he read from the 1885 doctoral dissertation of the president himself in which Wilson had written, "It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees."[21]

As the early morning hours passed, the filibuster took on a new form. The administration majority adopted an obstructionist stance. They knew that La Follette hoped to be the last speaker on the issue and that he had prepared a major address for the occasion. Realizing that the filibuster would succeed, angry Democrats determined to extract a measure of revenge from La Follette by denying him an opportunity to speak before the crowded galleries. First, Senator Robert Owen of Oklahoma talked for a time; then Hitchcock took the floor. La Follette was furious. He fumed in his seat, drumming on his desk, and chewing furiously at an unlit cigar. Senators who had been breakfasting came back to the chamber to enjoy the Wisconsinite's discomfort.

At ten-thirty that morning, Wilson arrived in the President's Room—the beautiful room adjacent to this chamber—to sign the bills that would come from Congress in its last hours. He sat barely fourteen feet from La Follette, separated by a wall, as the Wisconsin senator, whom he had come to hate for his opposition, broke into Hitchcock's speech again and again, trying to speak. Hitchcock unconcernedly talked on. Hitchcock, in fact, talked on until noon, when the Senate adjourned *sine die.* Four minutes later, Woodrow Wilson faced Chief Justice

Edward Douglas White and took the oath of office for the second time.[22]

Wilson had appeared calm as he repeated the oath of office but was nearly shaking with anger over the defeat in the Senate. Shortly after the oath-taking ceremony, he issued a stinging statement, in which he lashed out at the dissidents. "A little group of willful men, representing no opinion but their own," Wilson raged, "have rendered the great Government of the United States helpless and contemptible." Taking their cue from the president, the public, inflamed by war hysteria, took up the attack on the filibusterers. Almost unanimously, the major papers in the country condemned all who had helped kill the Armed Ship bill, with particular emphasis on La Follette and Stone. The *New York Times* called them "perverse and disloyal obstructionists," while the *New York World* said they were "pusillanimous" wretches who had "denied their country's conscience." The *New York Herald* predicted that their names would "go down in history bracketed with Benedict Arnold." The *Hartford Courant* called them "political tramps." The sentiment of the *Portland Free Press* was that they "should be driven from public life." [23]

"Rolls of Dishonor," inscribed with the names of the "willful men," appeared everywhere. The senators singled out for the full force of the popular fury included Republicans Moses Clapp of Minnesota; Asle Gronna of North Dakota; John Works of California, who at seventy was voluntarily ending his Senate career; Albert Cummins of Iowa; and, of course, the ringleaders, La Follette and Norris. The Democrats included were William Stone of Missouri; James Vardaman of Mississippi; William Kirby of Arkansas; Harry Lane of Oregon; and James O'Gorman of New York. Others, like William Kenyon of Iowa, were occasionally added to the list, usually over their vehement denials of complicity. Public condemnation of the group was unrestrained. In Oregon, there was a recall movement to unseat Lane. Students at the University of Illinois hanged Senator La Follette in effigy. Long-scheduled speeches to be given by the senators who had filibustered were canceled by indignant organizations.

The Tennessee house called the filibuster "contemptible and little short of treason." The Kentucky senate voted a resolution referring to "un-American, disloyal, unpatriotic, traitorous, and cowardly senators," condemning their "outrageous action" as "unmanly, unpatriotic, un-American, unparalleled, and unwarranted." Citizens of Mississippi sent to Senator Vardaman a large iron cross weighing forty pounds and inscribed thereon, "Lest the Kaiser Forget." Residents of Jonesboro, Arkansas, sent to Kirby thirty pieces of silver, declaring that "if Judas Iscariot earned his so have you." [24]

Never before had a filibuster so stirred the public mind. Popular opinion strongly supported the president. The situation in the Senate had become intolerable. In his bitter speech of denunciation, Wilson had suggested a way out of the tangle. "The remedy? There is but one remedy," he declared. "The only remedy is that the rules of the Senate be altered so that it can act." Wilson angrily called the Senate of the new Sixty-fifth Congress into special session on March 5 and demanded that it amend its rules so that it would be able to act and "save the country from disaster." [25]

After such scenes of high drama, the adoption of the Senate's cloture rule was itself singularly undramatic. The Senate convened in special session while the press still rang with denunciations of its rules. On March 8, a resolution providing for cloture was introduced by the Democratic floor leader, Thomas S. Martin. The provision permitted the limitation of debate, by two-thirds of those present and voting, two days after sixteen senators submitted a cloture motion. Thereafter, each senator could speak for only one hour on the bill and all amendments and motions affecting it, and could introduce an amendment only by unanimous consent. After only six hours of debate, the cloture rule, known as Rule 22—a rule so significant in the Senate's history—was adopted on a vote of 76 to 3. Only Lawrence Sherman of Illinois, Gronna, and La Follette voted against it.[26]

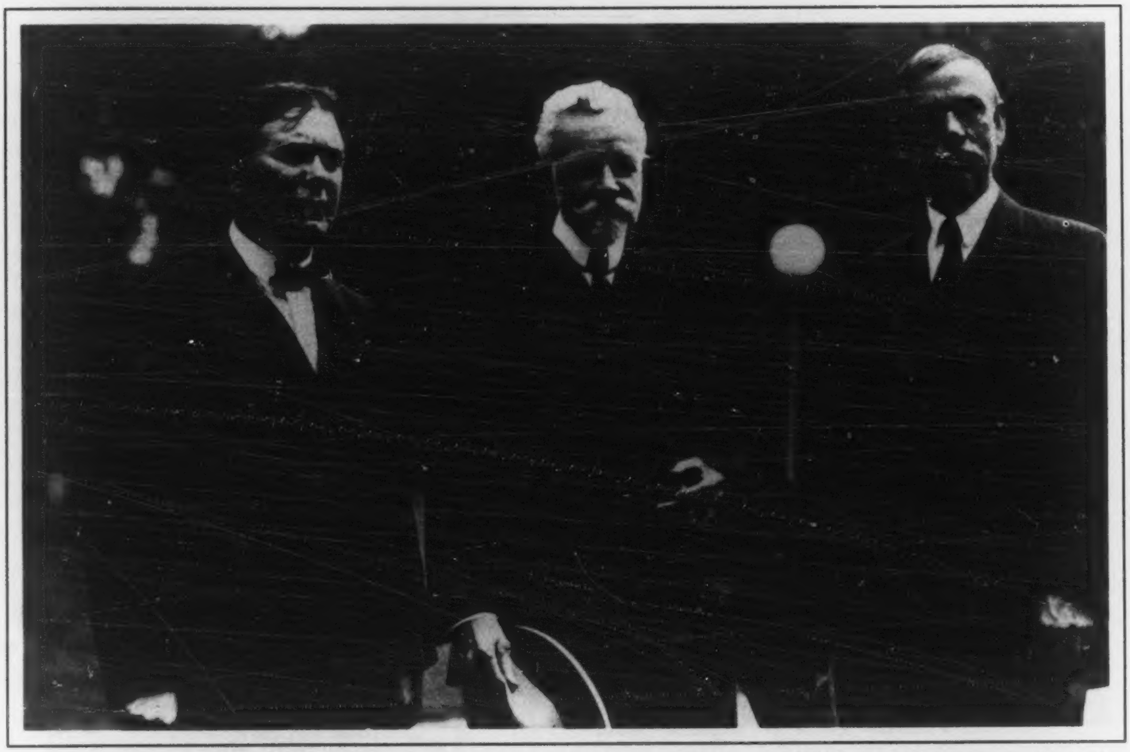
Meanwhile, the new Secretary of State Robert Lansing—the neutralist Bryan had resigned—advised the president that he could arm the ships by an executive order, without congressional approval, and Wilson promptly took that step, also calling both houses of the Sixty-fifth Congress to meet in special session on April 16. On March 16, German submarines sank three American ships with heavy loss of life. As the torpedoing continued, Wilson pushed up the date of the convening of Congress to April 2.

On that day, the Capitol filled with excited crowds; some frantically urged continued neutrality, others argued for war. In the crush, a pacifist and his wife lunged angrily at militant Senator Henry Cabot Lodge but were pulled away. At eight-thirty in the evening, Wilson somberly addressed the joint session, asking for a war declaration against Germany to make the world "safe for democracy." Against the continued opposition of La Follette and Norris, the Senate, on April 4, adopted the war resolution, 82 to 6, and, at a little after three in the morning of Good Friday, April 6, the House concurred.[27]

There followed the passage of a stream of war legislation, beginning with appropriations of $4 billion for the army and navy, and a selective service bill. The Anti-Saloon League, which was working hard for a constitutional amendment to ban the use of alcoholic beverages, persuaded Congress to protect the morals of the new draftees by prohibiting the sale of such beverages at or near army camps. Next, they used the emergency to secure a ban on the use of foodstuffs necessary to the war effort in the manufacture of distilled liquors. Finally, on December 18, 1917—adding to their arguments a shrill condemnation of distillers and brewers of German descent—the league prevailed on Congress to go all the way and adopt the Eighteenth Amendment, prohibiting the manufacture, transportation, or sale of alcoholic liquors in the United States.

Congress passed the War Revenue Act, the Trading With The Enemy Act, and supported the creation of a host of boards, such as the War Industries Board, to help the United States increase its efficiency and aid the war effort. At the same time, several acts, urged by the administration and supported by the fervent patriotism and anti-German feeling of a great majority of the American people, broke sharply with the benign atmosphere of political tolerance of freedom of dissent that had marked the Progressive Era. Paralleling the emergency controls on business, they seriously abridged civil liberties and traditional American rights. I will not discuss them at length because they were passed readily by the inflamed Senate with little controversy, but will simply mention the Espionage Act and the Sedition Act, which led to the arrests of many pacifists, conscientious objectors, and dissidents of every stripe in the heightened hysteria following the Bolshevik Revolution.

From time to time, throughout the war, French and British leaders came to Washington and visited Congress to reinforce the feeling of partnership. On May 1, 1917, Marshall Joffre, the hero of the Battle of the Marne, was escorted to the presiding officer's rostrum in the Senate by the Republicans' chief spokesman on foreign relations,



Senators William Borah of Idaho, Henry Cabot Lodge of Massachusetts, and Reed Smoot of Utah openly broke with President Wilson's international cause. *Library of Congress*

Senator Henry Cabot Lodge. Wearing scarlet breeches, the French military leader, acknowledging the senators' cheers, shouted, "I do not speak English," and, waving his cap, cried, "Vivient les Etats Unis!" [28]

As the conflict in Europe neared an end, Wilson's uncompromising determination to handle foreign affairs himself and impose on the world his idealistic vision of an enduring peace headed him on a collision course with the Senate. On January 8, 1918, he delivered a stirring address to the Sixty-fifth Congress, boldly outlining fourteen points as a basis for a moral peace that would be "just and holy." People of liberal persuasion in America and the allied countries supported Wilson's Fourteen Points with enthusiasm, but many Republicans and militants in Congress were skeptical. To Lodge, who, with nationalistic loyalty, had generally supported Wilson's war measures, most of the Fourteen Points sounded like "mere words and general bleat about virtue being better than vice." Democratic Senator Charles S. Thomas, an earthy sixty-eight-year-old pioneer from Colorado, commented that Wilson was being "bushwhacked." Nevertheless, the president hewed to his course, promising in another eloquent message to Congress on February 11 that the peace would include "no annexations, no contributions, no punitive damages." [29]

This speech only further aggravated those who doubted the wisdom of Wilson's course. Soon, Lodge and other Republicans openly broke with him, demanding Germany's unconditional surrender. "The thing to do," Lodge insisted, "is to lick Germany and tell her what arrangements we are going to make." With the fall congressional elections approaching, Wilson recognized the need to unite as much of the country as possible behind him. Seeing the danger if the Republicans took control of Congress, he openly appealed to the voters to return Democratic majorities to both houses. It was a serious mistake. Furious Republicans took it as an attack on their patriotism as well as a violation of the wartime truce on politics. In November 1918, the Republicans won the House by fifty seats and the Senate by two seats and, as victors, they were in an unforgiving mood. On the eve of the war's end, Wilson had lost the Congress and, with it, his goal of a strongly united nation.[30]

Wilson aroused another storm of criticism from the Senate by announcing that he would personally attend the peace conference in Paris. No other president had ever left the country while in office. Even more arrogantly, from the Senate's point of view, the president asserted that he would take with him a peace commission that would include not a single senator. Overnight, Wilson's popularity in Congress plummeted, and it was said that he did not have twenty friends left there. Wilson discounted the angry feelings of the representatives and senators. "Congress," he said, "has a brainstorm but as soon as I am on the high seas they will recover." But he was wrong; the Senate would not easily recover from this affront to its prerogatives. Wilson got a very chilly reception when he addressed the opening of the last session of the Sixty-fifth Congress on December 2, 1918, and an even frostier send-off when he left for Europe two days later.[31]

The president's chief problem lay in his unduly narrow view of the constitutional powers of the Senate regarding treaties. His whole opinion of the Senate, in fact, was low. "Bungalow minds" and "pygmy minds" were favorite terms of his when referring to members of Congress. To Wilson, the phrase *advice and consent* meant that the Senate should give its advice and consent after the completed pact had been laid before it, not while the pact was in the process of negotiation. And, indeed, this was the procedure ordinarily followed with routine treaties. Wilson was politically unwise. Ordinary procedure would not suffice this time. The Versailles treaty was not an ordinary treaty. As the president himself had repeatedly said, this was the charter of a new world order. Wilson sailed off under the delusion that, the Senate, when presented with an accomplished fact in peacemaking, might grumble but it could do nothing else but surrender. He was to find himself badly mistaken.[32]

The European leaders at the peace conference at Versailles ripped apart Wilson's Fourteen Points and agreed to his idea of a League of Nations only after he had given in to innumerable compromises that made a shambles of his hopes for a just and lasting peace. In February 1919, before leaving Paris on a brief trip back to the United States to tell the American people about the terms being hammered out, Wilson cabled an invitation to the Senate Foreign Relations Committee to dine with him on his return. He also asked them to hold off all discussion until he had an opportunity to explain the League covenant's provisions to them. Not all senators complied, but Henry Cabot Lodge grudgingly did. His grumbling turned to fury when he learned that Wilson, having secured his silence, was planning to land in Boston and address a mass meeting to present his own views. He raged to a friend:

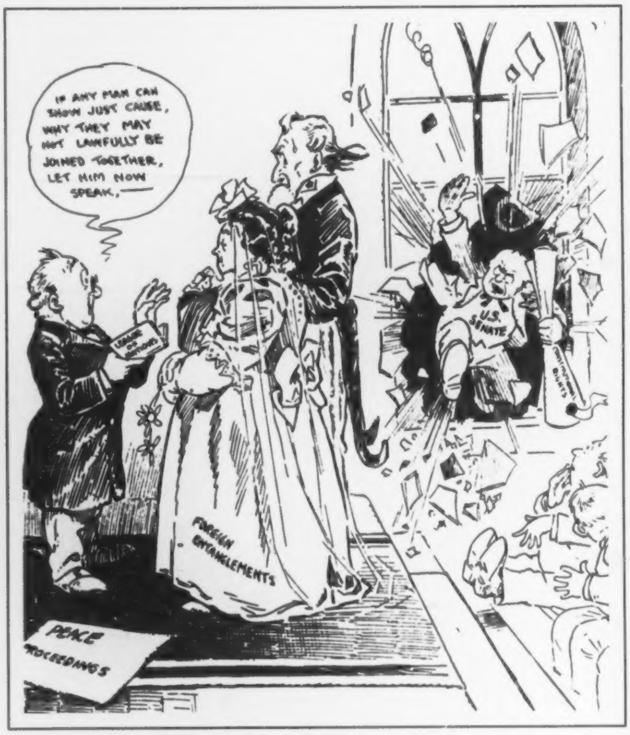
> As he is the President of the United States, of course I accepted the invitation to the dinner. I should not have thought of doing otherwise. I also felt, as a gen-

tleman and man of honor, that having accepted the invitation to dinner I should comply with his request not to discuss the terms of the League as set forth in the draft of the committee, until after the dinner. The president, however, does not seem to look at it in the same way, and is going to land in Boston, my own city, and there address a great mass meeting which is all arranged for while I am reduced to silence because I wish to observe what I think is required of an honorable man.[33]

Wilson's cunning maneuver only exacerbated the hard feelings between himself and Senator Lodge and served to steel Lodge's resolve to oppose the president every step of the way. I have discussed Senator Lodge often before in my talks on the Senate, but I would like to take a close look at him at this juncture, in his sixty-eighth year, because the fight over the League was very much a fight between two very strong personalities—those of Lodge and Wilson.

Beginning his twenty-sixth year in the Senate, Lodge was slim, natty, and cantankerous, with curly gray hair and a trim, white mustache and beard. With the Republicans back in power, Lodge was not only Republican floor leader but also chairman of the Foreign Relations Committee—positions in which he was certain to tangle with the president.

Years before, as editor of the *International Review,* Lodge had accepted an article sent in by a Princeton University senior who never before had published an article in a noncollege magazine. The article was entitled "Cabinet Government in the United States," and the author was young Woodrow Wilson. It was the last kind act Lodge would ever undertake for the Princetonian. Many believed Lodge was jealous of the success of the younger man; that he was infuriated by the fact that, before Wilson took office, Senator Lodge, with a Ph.D. from Harvard, had been "*the* scholar in politics" but that, afterward, he was only "*a* scholar in politics." Woodrow Wilson, in fact, is the only president ever to earn a Ph.D. The senator referred to the president as "shifty," and believed that Wilson was thinking steadily of a third term for himself. The president believed Lodge wanted to remodel the League in his own image and gain his party's nomination for the presidency in 1920. Neither made any attempt to hide his hatred of the other.[34]


IF ANY MAN CAN SHOW JUST CAUSE, WHY THEY MAY NOT LAWFULLY BE JOINED TOGETHER, LET HIM NOW SPEAK,—
FOREIGN ENTANGLEMENTS
U.S. SENATE
PEACE PROCEEDINGS

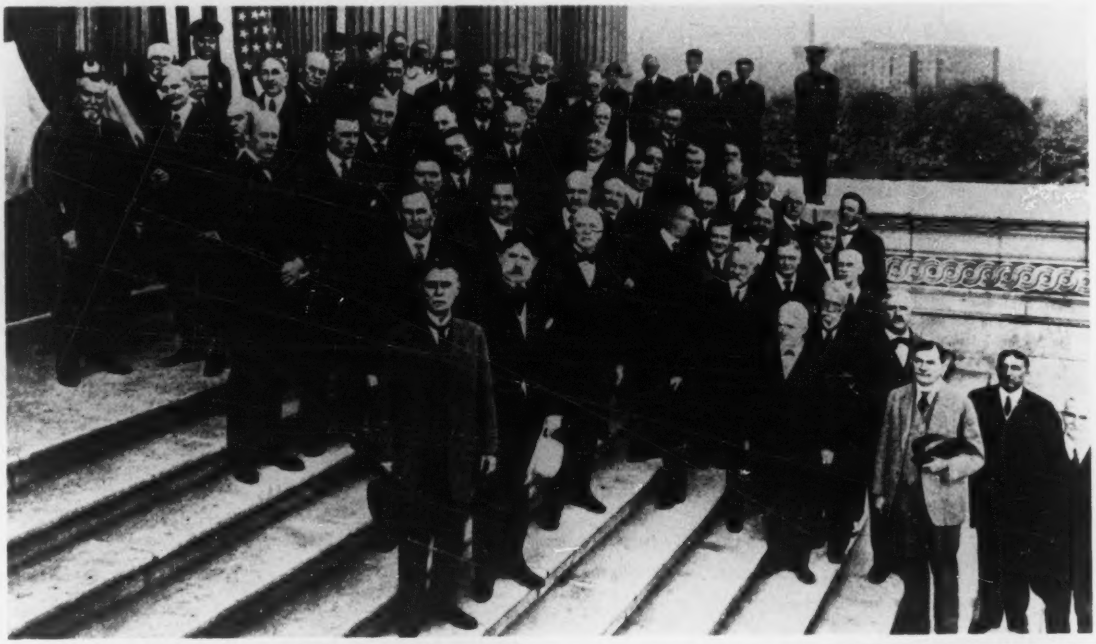
Titled *Interrupting the Ceremony,* this cartoon reflected many senators' views of Wilson's activities at the peace conference of 1918. *U.S. Senate Curator's Office*

Senator Lodge, though he felt betrayed by the president, went to the dinner at the White House on February 26. It was a gala affair held in the state dining room. At the table, where Mrs. Wilson was the only woman present, the conversation avoided the matter that was on the minds of the diners. Afterwards, however, in the East Room, the grave topic emerged. Recollections of what followed vary, depending on the mood of the guest. Lodge claimed, "The president answered questions for two hours about the draft of the . . . League . . . and told us nothing. He did not seem to know it very thoroughly and was not able to answer questions." On the other hand, Representative John Rogers said that the president was never "so human or so attractive" as he was that night, and that he answered every question, "easy or difficult, as fully as possible and with apparent candor." [35]

Two days later, still seething with anger, Lodge delivered his first major attack on the League from the Senate floor, pointing out that its covenant did not recognize the Monroe Doctrine, did not protect the United States from League interference in such internal matters as tariff and immigration politics, and would make the nation responsible for helping to guarantee the territorial integrity and independence of every country in the world. The League was an idealistic panacea, Lodge claimed, that could never take the place of a concrete and detailed peace settlement. He wanted "fact, details, and sharp, clear-cut definitions." He was worried that the United States was being drawn by "glittering delusions, through specious devices of supernational government, within the toils of international socialism and anarchy." He spoke in measured tones, often sarcastically, but without raising his voice. He calmly wove together arguments already advanced by bitter foes of the treaty like Senators William Borah of Idaho, James Reed of Missouri, Miles Poindexter of Washington, and Philander Knox of Pennsylvania to make a cogent argument condemning the League to a slow death. Softly, he told his colleagues: "What I ask, and all I ask, is consideration, time, thought. . . . We cannot reach our objects by a world constitution hastily constructed in a few weeks in Paris in the midst of the excitement of a war not yet ended." And he concluded: "That which I desire above everything else, that which is nearest to my heart, is to bring our soldiers home. The making of a League of Nations will not do that . . . . What is it that delays the peace with Germany? Discussions over the League of Nations; nothing else." [36]

Lodge had begun an assault on the League that was steady and telling. Senator Knox, who called the League "a plan to strangle and crush us," and Senator Lawrence Sherman of Illinois, who likened it to a "Pandora's box of evil," were among those who, within the next few days, let loose a flood of oratory against the League and its sponsor.

In the meantime, Lodge was busy behind the scenes. Early on the morning of Sunday, March 2, he received a visit at his home from Senator Frank Brandegee, the irascible Connecticut senator who had led the cross-examination of Wilson at the February dinner. Brandegee, Borah, Knox, Hiram Johnson of California, and a few others were known as "the irreconcilables" or "bitter enders"—men opposed to the treaty, no matter what shape or form it might take. Knox was known as the "brains" of the group; Brandegee as the "tongue"; Johnson as the "noise"; Borah as the "soul." Brandegee was disturbed by the lengthy defense of the League uttered in the Senate the day before by Senator Porter McCumber of North Dakota. He told Lodge that some declaration should be made without delay "to the effect that a League of Nations such as it was understood was to be proposed . . . could not pass the Senate." When he suggested to Lodge that they get the signatures of "more than one third of the Senate" to the statement, Senator Lodge was, in his own words, "very much struck by the proposition." "Brandegee," Lodge said, "had no difficulty in convincing me of its essential and even vital importance." The two men hastened to the home of Senator Knox who agreed to draft the resolution. [37]



Assembled on the steps of the Capitol, in the autumn of 1918, were senators on both sides of the bitter political debate over the issue of the Treaty of Versailles. *U.S. Senate Historical Office*

Throughout Monday, March 3, Lodge, Knox, Brandegee, and Albert Cummins scurried through the corridors of the Capitol securing signatures—Harry S. New of Indiana, George Moses of New Hampshire, J.W. Wadsworth, Jr., of New York, Boies Penrose of Pennsylvania, Hiram Johnson of California, Medill McCormick of Illinois, Albert Fall of New Mexico—until the names of thirty-nine Republicans were appended to the document. "We did not think it desirable to ask any Democrats to sign," Lodge explained. "We knew there were Democratic Senators opposed to the League, but we did not wish to involve or embarrass them." [38]

At two minutes past midnight on March 4, 1919, just prior to the adjournment of the Sixty-fifth Congress, Lodge arose in the Senate. One reporter claimed that Lodge's hand was shaking as he held the "Round Robin" resolution he wished to offer. "Mr. President," he said, "I desire to take only a moment of the time of the Senate. I wish to offer the resolution which I hold in my hand, a very brief one." While brief, the resolution was a remarkable slap in Wilson's face. It called the League, "in the form now proposed," unacceptable to the United States and urged that it be separated from the peace treaty and carefully reconsidered after "negotiating peace terms with Germany." The purpose of the Round Robin was twofold: Lodge intended the resolution to signal the president that the League and the peace treaty must be separated if the latter were ever to be approved by the Senate; and, secondly, to let the peace conference in Europe know that "the President was not the only part of the government necessary to the making of a treaty." [39]

President Wilson was unmoved. On the eve of his departure for Paris, he boasted to the world that, when the treaty was brought back, the "gentlemen on this side will find the Covenant not only tied in it, but so many threads on the Treaty tied to the Covenant that you cannot dissect the Covenant from the Treaty without destroying the whole vital structure." He held the senators opposing him, particularly Lodge, to be "contemptible . . . narrow . . . selfish . . . poor little minds that never get anywhere but run round in a circle and think they are going somewhere. . . . I cannot express my contempt. . . . If I said what I think about those fellows in Congress, it would take a piece of asbestos two inches thick to hold it."[40]

On his return to Paris, Wilson secured changes in the covenant along the lines that Lodge had sought. The treaty was signed at Versailles on June 28, 1919, and Wilson headed home, hopeful that the changes would satisfy his opponents in Congress. On July 10, 1919, President Wilson entered the Senate chamber to the cheers of the galleries and applause from the Democratic side of the aisle. He carried a bulky copy of the treaty under his arm. Despite the clear warnings of a storm ahead, he felt confident; the Senate had never rejected a peace treaty before.

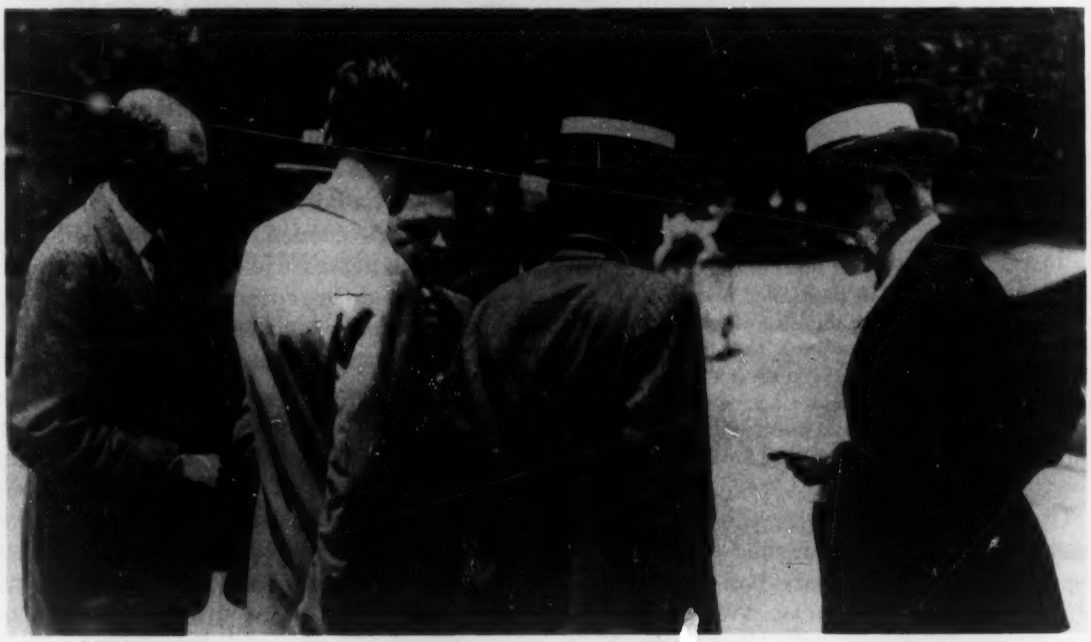
Senator Lodge, as chairman of the Foreign Relations Committee, escorted the president to his seat. In delivering the treaty that he had hammered out into the hands of the Senate, Wilson gave a moving speech. "The stage is set, the destiny disclosed," he told the senators. "We cannot turn back. We can only go forward, with lifted eyes and freshened spirit to follow the vision. It was of this that we dreamed at our birth. America shall in truth show the way. The light streams upon the path ahead, and nowhere else."

The twelve to fifteen extreme isolationist irreconcilables, headed by Senators La Follette, Borah, Johnson, Poindexter, and Reed, were unmoved. Lodge and the Republicans who favored ratification after changes to protect American interests, were impassive. Only the Democrats—who, save for a few with mild reservations, supported Wilson—applauded with enthusiasm.[41]

The president was asking, actually demanding, that the Senate accept the treaty with no reservations, no changes. His imperious attitude only angered the Republicans, and many Democrats, too, before him. They were not going to be a rubber stamp for the president. A cartoon in the *Chicago Tribune* depicted the president, holding a copy of the League convenant, standing before a bird labeled "The Senate" on a perch. Wilson was trying to make the bird say "O.K.," but the bird refused. Upon closer examination, the recalcitrant bird turned out to be an eagle, and the caption read, "It doesn't happen to be a parrot." The senators had no intention of mimicking the president. Their pride and the Senate's stature were at stake.[42]

Wilson's words had hardly faded away and the door closed behind him when Senator Lodge moved to refer the treaty to the Foreign Relations Committee. At that moment, the light that the president had seen upon the path ahead flickered and grew dim. The League was doomed.

The Foreign Relations Committee was composed of seventeen senators—ten Republicans and seven Democrats. When, two months earlier, the Republicans had gained control of the Senate and Lodge became chairman of the committee, he had gone to great pains to see to it that the newly appointed members of his committee were not too kindly disposed toward the League. In fact, of the four new Republican places, two went to irreconcilables Moses of New Hampshire and Johnson of California, and two to strong reservationists Warren Harding of Ohio and New of Indiana. Irrecon-



Senator Lodge, *right*, talks to newsmen during Senate debate over the Treaty of Versailles. *Library of Congress*

cilable Republicans Borah, Brandegee, Knox, and Fall were already on the committee. Of the ten Republicans, only Porter McCumber had not signed the Round Robin denouncing the League. Gilbert M. Hitchcock of Nebraska was the ranking Democrat, but, as a parliamentary tactician, he was no match for the wily Lodge. The deck was heavily stacked against the League.

Lodge began his committee hearings by reading aloud the entire text of the 268-page treaty and the convenant. The task took him two weeks, his voice droning on in a committee room entirely empty save for one clerk who had to take down what he said. After that, the committee called witness after witness to paint black pictures of what the League would do to the formerly free and independent United States. Obviously, Lodge was stalling. He realized that the public sentiment in the United States seemed strong for ratification, and he was playing for time so that he and his lieutenants could try to change the people's minds. While Lodge was holding hearings, the enemies of the League mobilized for action. They effectively flooded the nation with anti-League propaganda financed by Andrew Mellon, the Pittsburgh banker, and Henry Clay Frick, the coal and steel baron.[43]

In the grim heat of August, Lodge prepared to make his first speech since the treaty had been submitted to the Senate. On August 12, he spoke for nearly two hours. If he had wondered whether the campaign to convert the American people to his views was working, he received ample and gratifying proof from the galleries. They were packed with representatives from women's organizations and a contingent of veteran marines from Chateau-Thierry, who had just passed in review before the president. They hung on Lodge's every word and frequently interrupted him with applause. Lodge's speech was tailormade for a patriotic audience:

> You may call me selfish, if you will, conservative or reactionary, or use any other harsh adjective you see fit to apply, but an American I was born, an American I have remained all my life. I can never be anything else but an American, and I must think of the United States first, and when I think of the United States first in an arrangement like this I am thinking of what is best for the world, for if the United States fails the best hopes of mankind fail with it. I have never had but one allegiance—I can not divide it now. I have loved but one flag and I can not share that devotion and give affection to the mongrel banner invented for a league.[44]

The shouts of the marines echoed through the chamber as Lodge finished his dramatic peroration. Not for years had the Senate heard such loud applause. When Senator John Sharp Williams of Mississippi replied for the administration, he was loudly hissed.

The president, meanwhile, had been conferring with individual senators, hoping to move them into his own camp. As the summer wore on, it was clear that he was making little headway. Though in poor health, he began to talk of taking his cause to the people on a cross-country tour. He asked Senator James Watson of Indiana, "Where am I on this fight?" Watson replied: "Mr. President, you are licked. There is only one way you can take the United States into the League of Nations." "Which way is that?" asked the president. "Accept it with the Lodge reservations." Fire came into the president's eyes and he said: "*Lodge* reservations? Never! I'll never consent to adopt any policy with which that impossible name is so prominently identified." As Watson left the White House, the president's words rang in his ears, "I'll appeal to the country."[45]

On September 3, 1919, Wilson's train pulled out of Union Station. His trip would take him 9,981 miles, almost to the Canadian border; almost to the Mexican. In twenty-seven days, with twenty-six major stops, and with at least two rear-platform speeches a day, he would visit every state west of the Mississippi except four. As he began his historic trek, the public responded with apathy, but, as he proceeded, the warmth of his receptions increased. He was on his way home, with a half-dozen speeches left on his schedule, when, after a speech in Pueblo, Colorado, he collapsed and was rushed back to Washington gravely ill. On October 2, he was felled by a stroke that paralyzed his left side and placed his life in danger for several weeks.[46]

Meanwhile, on September 10, a week after Wilson left town, Lodge reported the treaty to the Senate with four reservations to the League's covenant and a total of forty-five amendments to the rest of the instrument. It was obvious to all that Wilson would never accept them. Lodge found himself in a difficult position. As party leader, he had to try to hold the three Republican factions in the Senate together long enough to defeat the League and amend the treaty. All three—the strong reservationists, the mild reservationists, and the irreconcilables—would have to vote together to assure the success of any motion, but they did not. The Democrats and about fifteen mild reservationists voted down one after another of the forty-five amendments and sent the treaty back to the committee. On November 6, Lodge presented it again with no amendments but with fourteen reservations, known as the Lodge reservations, which the Senate accepted.

The sick president was urged to compromise. Gilbert Hitchcock, who had become acting Democratic floor leader after Thomas Martin died on November 12, had the unenviable job of going to the White House to say clearly to Wilson that the Democrats could not raise even a majority of the Senate votes for ratification without reservations, let alone the necessary two-thirds. He was shown into the bedroom where the president lay propped up in bed. The president's awful appearance, especially his long white beard, shocked the Democratic leader. He falteringly got out his opinion that the Lodge reservations must be accepted; otherwise, it would be impossible to get the United States into a League of any kind.

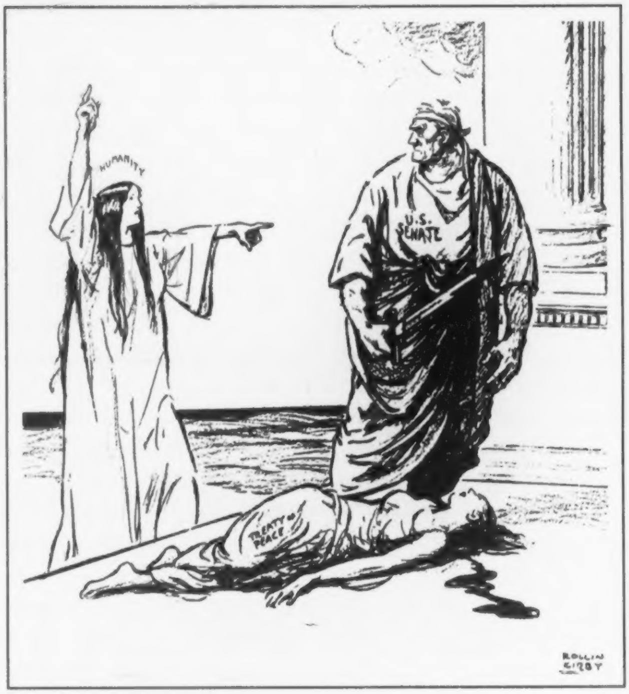
"It *is* possible! It *is* possible!" the president gasped.

"Mr. President, it might be wise to compromise—" Hitchcock said.

"Let Lodge compromise!" the president interrupted.[47]

Hitchcock was shown out, but the senator was back on November 17. The Senate would vote in the next few days on the treaty. Couldn't the president, he asked, agree to some small changes? The reply was that there could be no amendments, no reservations. "Better," said the president, "a thousand times to go down fighting than to dip your colors to dishonorable compromise." He dictated a short letter for Hitchcock to take back to his Democratic colleagues. It read, in part, "I hope that all true friends of the treaty will refuse to support the Lodge reservations."[48]

Two days later, at noon on November 19, the last day of the first session of the Sixty-sixth Congress, with the galleries packed and long lines standing outside in the corridors, the vote on the treaty was about to be taken. The nation was weary of debate. The senators were weary of debate. Several days earlier, Senator Ashurst of Arizona, a Democrat, had loudly objected to further palaver. Further talk, he said, was just "making mud pies." "For God's sake," he cried, "let us all keep our mouths shut and vote, vote and only vote." The galleries had erupted in applause. Still, five and a half hours were consumed in more debate on the nineteenth. As evening came, cries of "Vote," "Vote," "Vote," arose from all over the chamber. Spectators in the crowded galleries sat in tense silence as the roll was called. Dutiful Democrats, almost to a man, followed their president's bidding and voted with the irreconcilables to defeat the treaty with the Lodge reservations, 39 to 55. A later vote for the treaty, with only five of the reservations, was also negative, 41 to 51. Finally, there was one last vote—for the treaty with no reservations. That measure was defeated 38 to 53. As the final vote was taken, Senator Claude Swanson of Virginia, a Democrat, turned to Lodge and pleaded, "For God's sake, can't something be done to save the treaty?" "Senator, the door is closed," replied Lodge. "You have done it yourselves." That night, Borah, Lodge, Brandegee, Reed, and other opponents of the League celebrated their vic-



In this 1920 cartoon titled *The Accuser*, the Senate is portrayed as having slain world peace.
U.S. Senate Curator's Office

tory at the home of Republican Representative Nicholas Longworth, who was married to Theodore Roosevelt's daughter Alice. Senator Warren Harding's wife cooked the scrambled eggs.[49]

The door was, indeed, closed but it was not locked. The immediate reaction to the Senate's rejection was almost nationwide consternation and regret. When a public demand arose for Wilson and Lodge to compromise their differences and allow the United States to join the League with reservations, Wilson refused, releasing a statement from his sickroom suggesting that the voters decide the issue in the 1920 presidential election, which, he said, would be a "great and solemn referendum." A bipartisan move in the Senate reopened the debate early in 1920, but it did little good. When the irreconcilables threatened to defect from the Republican party and produce an election-year split such as had occurred in 1912, Lodge gave in to their demand not to relent on his original reservations. Wilson, in turn, sent messages insisting on ratification of the treaty without the Lodge reservations. In the stalemate produced by the two unyielding enemies, the treaty went down to a second and final defeat on March 19, 1920, failing to receive the necessary two-thirds margin by a vote of 49 to 35. The door was now shut and locked. The League was, said Lodge, "as dead as Marley's ghost."

The election of Republican Warren Harding dashed Wilson's hope that the people's verdict in the fall presidential election would reopen the treaty question. Harding announced in his inaugural, "We seek no part in directing the destinies of the world" and, turning his back on the League, retreated, in Wilson's embittered words, into "sullen and selfish isolation." On July 2, 1921, a congressional joint resolution finally officially ended the war with Germany and Austria-Hungary.[50]

While the nation was absorbed in the fight over the League, 1919 slipped into 1920 and the Roaring Twenties dawned—the era of the bootlegger and the speakeasy and the hip flask, the bull market, the Florida land boom, Al Capone, Fatty Arbuckle, F. Scott Fitzgerald, the flappers, jazz, and the Stutz Bearcat. Lacking executive direction from the invalid in the White House, and without much guidance from Congress, the nation was lurching from war to peace. The armistice was followed by rapid demobilization and the abrupt ending of most of the war agencies and their emergency measures. Senator Albert Cummins of Iowa and Representative John J. Esch of Wisconsin quickly introduced legislation that became known as the Transportation Act to achieve the progressive movement's last unfulfilled goals for the control of the railroads. Other progressive-supported measures followed, including the establishment of the federally owned Merchant Fleet Corporation and the Federal Power Commission to license the building, operation, and regulation of hydroelectric projects on waters in the public domain. Finally, with women already able to vote in twenty-three states, Congress approved the Nineteenth Amendment, which became part of the Constitution in time for women in every state to vote in the 1920 presidential election.

The Democrats nominated James M. Cox, governor of Ohio, as their candidate. The Republicans chose Senator Warren G. Harding of Ohio, a cheerful and gregarious man whose handsome, chiseled features, silver hair, and dark eyebrows conveyed to many an image of what a president ought to look like. The voters rejected Wilson's plea to make the election a referendum on the League. They were beguiled by Harding's Back to Normalcy and America First appeals. On election day, they gave Harding a landslide victory, matched by sweeping congressional triumphs that awarded the Republicans majorities of 167 in the next House and 22 in the Senate.

A new day was dawning. In my next address, I will take a look at what the "normalcy" promised by the new president was really like, and how the Congress and the new president got along after their stormy years from 1913 to 1920. In closing, however, I would like to finish the story of Senator Lodge and President Wilson, because rarely has personal animosity had so powerful an effect on national, indeed international, events.

Inauguration day, March 4, 1921, dawned clear and windy. President Wilson was lifted into a car for the drive to the Capitol with President-elect Harding. When they arrived, Wilson went to the President's Room, right outside this chamber, where he had sat while Senator La Follette raged a few years earlier during the filibuster on the Armed Ship bill. He signed the last bills of the Sixty-sixth Congress, which would, in a few minutes, be adjourning. He was looking down at his desk. Someone touched him on the arm to indicate that the committee from both houses had arrived to ask permission to adjourn. "This committee begs to inform you that the two Houses have completed their work and are prepared to receive any further communications from you," said a sharp, dry voice at the head of the committee.[51]

The voice was that of Senator Henry Cabot Lodge. For a moment, an aide feared the president was going to say something violent, something terrible, but Wilson's face froze and, without looking at Lodge, he said, "I have no further communication." He turned his head and stared off into thin air, refusing to look at Lodge who silently bowed and left.[52]

Wilson did not wait to see Harding take the oath of office but left for the house in Washington on S Street that he had bought for his retirement. There he lived in semi-seclusion, cast aside by Americans as thoroughly as was his dream for the League. On February 3, 1924, he died.

Senator Lodge, who would die ten months after Wilson, was named to the committee to represent Congress at Wilson's funeral. When Lodge returned home that evening, he found a handwritten note awaiting him. It was a request from Mrs. Wilson: ". . . realizing that your presence would be embarrassing to you and unwelcome to me I write to request that you do not attend." At a little after noon on the day of the funeral, it was announced that Senator Lodge, suffering from a sore throat, would not be able to attend.[53]

CHAPTER 23

The Roaring Twenties
1919–1929

March 26, 1984

Mr. President, it was the humorist Will Rogers who said, "I'm not a member of an organized political party—I'm a Democrat." [1] He made that statement, I hasten to add, during the 1920's, at a time when the party had never been more disorganized and in disarray. As the incumbent party going into the elections of 1920, the Democrats found themselves at a decided disadvantage. They took the blame for all the ills of society in the aftermath of the First World War. The removal of federal controls on the economy had stimulated a period of rapid inflation and labor unrest; the returning veterans of the war were met with unemployment; there were racial tensions and riots in many cities, aimed at black people who had moved there in search of wartime employment; there was a virulent Red Scare that trampled upon American civil liberties. With the president seriously ill and incapacitated, there was a growing sense that the government was no longer in control.

Public opinion shifted away from the reform spirit of the Progressive Era and the New Freedom policies of President Woodrow Wilson. The younger generation, as F. Scott Fitzgerald wrote in his first novel, *This Side of Paradise,* "had grown up to find all Gods dead, all wars fought, all faiths shattered." It was not surprising to find society turning to escapism and to see the great crusades for progressivism and making the world safe for democracy giving way to bathtub gin, flappers, flagpole sitters, and the other oddities we identify with the Roaring Twenties.

The Democratic coalition, which had dominated national politics for the past decade, was disintegrating. As Professor David Burner has described in his book, *The Politics of Provincialism,* "The Republican cause was that of the middling elements in American civilization, in country and city alike, and appealed to a wide range of incomes and occupations, while for decades the Democrats had attracted the extremes—the most aggressively Jeffersonian or populist of the farmers, particularly in the South, and the most powerful of the urban immigrant machines." [2] The postwar issues of Prohibition and immigration quotas further divided the predominantly native, dry, Protestant, rural South from the immigrant, wet, Catholic, big-city Democratic organizations of the North.

Democrats had gotten a foretaste of what was to come in the congressional elections of 1918. After controlling the House for eight years and the Senate for six, they lost their majorities in both. The Senate Democratic margin of 53 to 42 in the Sixty-fifth Congress was reversed to a Republican majority of 49 to 47 in the Sixty-sixth Congress. The election of 1920, however, was a Republican landslide, giving that party a 59 to 37 margin in the Senate.

In the presidential race, the Democrats nominated Ohio Governor James Cox, owner of a chain of newspapers, as their candidate. Cox was a solid but colorless political leader. For vice president, the party chose the dynamic young Assistant Secretary of the Navy Franklin D. Roosevelt—Teddy's distant cousin. But the team of Cox and Roosevelt never stood a chance. The Republicans nominated the tall, distinguished-looking Ohio Senator Warren G. Harding, also a former newspaper publisher. Party leaders chose Harding in a smoke-filled room, but the delegates surprised everyone by spontaneously nominating Massachusetts Governor Calvin Coolidge from the floor as Harding's running mate. Coolidge had gained national fame for his opposition to the Boston police strike of 1919 and his ringing declaration, "There is no right to strike against the public safety, by anybody, anywhere, anytime." [3]

It is instructive, perhaps, to note that, while many senators have become president, only two have ever gone directly from the Senate to the White House—Harding and John F. Kennedy. Presidential politics generally has not been kind to United States senators. Those called upon to cast votes on every controversial issue often wind up alienating important segments of the voting population. This was true in the nineteenth century, when men like Daniel Webster, Henry Clay, John C. Calhoun, Stephen Douglas, Charles Sumner, James G. Blaine, and John Sherman, all towering figures in the Senate, were frustrated in their presidential ambitions. Similarly, in 1920, there were senators of the stature of William Borah, Hiram Johnson, Robert La Follette, Sr., and Oscar Underwood who chaired committees, shaped and defined legislation, and who yearned for the presidency. Not by any stretch of the imagination could Senator Harding be included in this group—but Harding received the nomination.

Handsome, easygoing Warren Harding fit perfectly into the "clubby" atmosphere of the Senate.

Library of Congress

Warren Harding was a self-effacing, kindly, easygoing sort of fellow who fitted perfectly into the clubby atmosphere of the

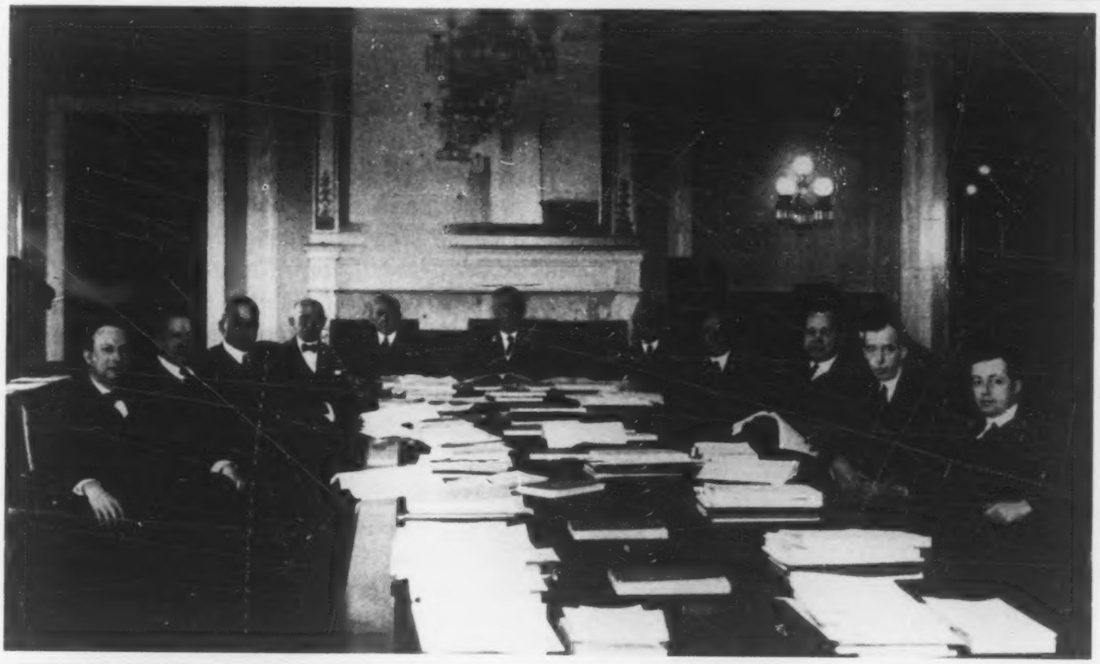
Senate in those days. He was an easy man to like, and everyone said he looked like a president. On the campaign trail, he promised "normalcy not nostrums," and, while his speeches do not make a great deal of sense when read today, they sounded soothing in those turbulent times. Harding's stand on the issues was so vague that he was able to appeal to both supporters and rabid opponents of the League of Nations, to internationalists and isolationists, to wets and drys, to urban and rural areas. Harding and Coolidge walked away with the election, winning by better than a 2 to 1 margin over Cox and Roosevelt. Both houses of Congress also went overwhelmingly Republican,[4] with a 59 to 37 division in the Senate.

The Republican majority was not monolithic. There were still deep divisions within the party. On the right wing, stood the Old Guard: men like Republican floor leader Henry Cabot Lodge—then the longest serving senator; the gargantuan Boies Penrose; Reed Smoot of Utah, inheritor of Nelson Aldrich's mantle as defender of the protective tariff; George H. Moses of New Hampshire; and James E. Watson of Indiana. Opposed to them were the progressive Republicans, a smaller, but extremely vocal, group which included La Follette, Borah, Johnson, George Norris, and other western senators. A decade later, Senator Moses scornfully referred to these western progressives as "Sons of the Wild Jackass," and they wore the title as a badge of honor.

The progressives were not particularly effective in the 1920's—Borah's biographer called him The Spearless Leader—and they were more often seen as obstructionists than creative reformers. In agricultural matters, however, they were able to form alliances with Democrats and farm-belt Republicans to enact legislation to aid the beleaguered American farmers. But, as we shall see, while they had the votes to pass farm bills, they lacked the strength to override presidential vetoes.

Farmers were one of many interest groups petitioning Congress for aid during the 1920's, along with veterans, labor unions, and others; but it was business that found the warmest welcome in Washington. After two decades of antitrust legislation and government regulation, American business leaders had a clear agenda they expected to achieve under the Republicans. They wanted lower corporate and individual income taxes; they wanted sharp reductions in federal spending; they wanted a relaxation of federal regulations; and they wanted high protective tariffs. During the administrations of Harding and Coolidge, business got what it wanted. As Calvin Coolidge asserted, "The business of America is business."

One of the first acts of the Sixty-seventh Congress in 1921 was one of its most significant; that was the passage of the Budget and Accounting Act, which created the General Accounting Office and the Budget Bureau in the Treasury Department. Today, we refer to this latter agency as the Office of Management and Budget. Prior to this act, each department and agency of the government had to come separately to Congress for its appropriations; and, as Professor John D. Hicks noted, "Congress tended to vote appropriations and revenues quite independently of each other, trusting that somehow what came in and what went out would about balance." The Budget Act had previously been passed in the Sixty-sixth Congress, but President Wilson vetoed it. He considered unconstitutional the provision for the comptroller general of the General Accounting Office to be appointed for a fifteen-year term and to be removable from office by Congress rather than the president. Warren Harding had no such objection and signed the bill into law. After this, each presidential administration would submit an annual



Members of the Senate Finance Committee met to consider Secretary of the Treasury Mellon's tax plan.
Library of Congress

budget. Harding's first budget under the new law called for expenditures of $3.5 billion.[5]

Also in 1921, the Harding administration proposed a major reduction of federal taxes. This was the work of Andrew W. Mellon, one of the richest men in the nation, who had resigned from some sixty corporate directorships in order to become secretary of the treasury. Secretary Mellon was the leading exponent of the trickle-down theory of government taxing and spending. He thought government was making a fatal mistake in taxing high incomes. Government should leave the producers of wealth alone, Mellon advocated, so they could wisely invest their money, stimulate the economy, and increase employment. Mellon incorporated this philosophy into the administration's revenue program, which included repeal of the wartime excess profits tax, sharp reductions in high income taxes, and corresponding increases in such tax surcharges as a tax on bank checks and automobile licenses; in other words, shifting the tax burden from the higher to the middle and lower brackets. One might call this the 1921 version of supply-side economics.

Democrats and progressive Republicans in the Senate were incensed with these proposals. As Democratic Senator Gilbert Hitchcock of Nebraska argued on the Senate floor:

> There are virtually only two ways in which the revenues of the United States Government can be raised. They must either be raised by taxes on consumption or they must be raised by taxes upon wealth. . . . Apparently . . . the majority who have drawn this bill and who are putting it through the Senate have a settled purpose in this bill not only of relieving the taxes upon the wealth of the country, but in the pending schedule the majority party has determined to relieve the great, prosperous corporations of the legitimate tax upon their profits . . . which is levied in the existing law.

The new taxes, said Hitchcock, would fall unjustly "upon the man of limited means." Or, as Senator La Follette described it, "Wealth will not and cannot be made to bear its full share of taxation." Despite such opposition, and after a long and protracted debate, the Senate passed the "act to reduce and equalize taxation," by a margin of 38 to 24. After final ironing out in conference committee, the bill went to President Harding, who gladly signed it.[6]

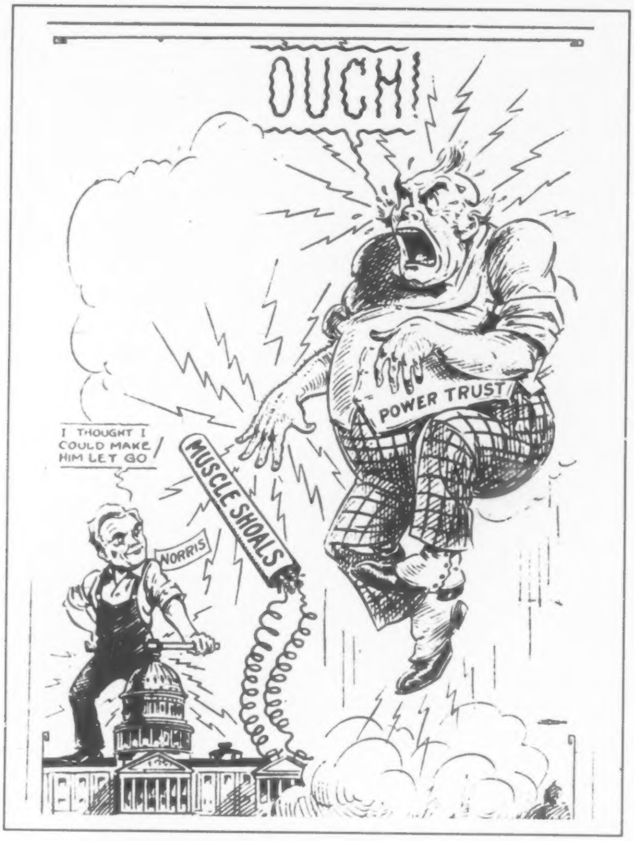
The next pillar in the administration's business program was a high protective tariff, to raise substantially the rates reduced by the Democratic Underwood Tariff. Unlike the last Republican tariff, the Payne-Aldrich Act, there was little organized opposition to what became the Fordney-McCumber Act of 1922. One reason for this was the co-option of the farm bloc by the passage of an emergency agricultural tariff in 1921. President Wilson had vetoed an earlier version of this tariff, arguing that it would not affect the real farm problem, overproduction. But representatives from the hard-pressed farm belt pushed for its passage, and, when it cleared the Congress a second time, President Harding signed it. Now, during the Fordney-McCumber debate, farm bloc senators could not effectively protest against it. After the passage of this act—which set the highest rates of any tariff up to that time—one farm sympathizer commented:

> The farmer's day begins when he is aroused by an alarm clock, and the new tariff bill raises the duty on this article 67%. His first act is to throw off the bed covering on which the duty has been increased 60%. He jumps from the bed, on which the duty is advanced 133%, and dons a summer bathrobe with the duty up 60% and slippers with the duty increased 33%.[7]

Mr. President, the real tragedy of the Fordney-McCumber Act was not that it raised the price of consumer goods, but that it caused other nations to retaliate. The 1920's saw the building of tariff walls all around the globe, significantly choking international trade. Tariffs compounded the problems that Europe encountered in rebuilding itself after the First World War, since only by their exports could these nations hope to repay their war debts. As the world's leading creditor, the United States did itself more harm than good in its effort to protect its industry. Farmers, who paid the higher cost for industrial goods, also found that their own agricultural exports were reduced by other nations' trade barriers, further deepening the farm depression in the United States. The tariff also stimulated the growth of industrial monopoly within the United States. It was a great mistake for which the nation would later pay a heavy price.

Warren Harding's administration and the Republican-dominated Sixty-seventh Congress were eager to remove the federal government from any form of competition with business. Shortly after Harding's inauguration, the War Department announced that it was halting work on the Wilson Dam on the Tennessee River and was accepting bids to sell its Muscle Shoals holdings. Muscle Shoals is a thirty-seven-mile stretch of the Tennessee River in northern Alabama in which the river falls some 134 feet, providing a powerful amount of energy if properly harnessed. During the war, the federal government had built two nitrate plants at Muscle Shoals for the production of explosives, and these, also, the government sought to sell. Reformers, led by Senator George Norris of Nebraska, were disturbed at the prospects of turning Muscle Shoals over to private developers. They wanted to tap the natural resources of the Tennessee Valley to provide cheap electricity and low cost fertilizer to lift the people of that region out of poverty.

In July, the War Department announced that automobile manufacturer Henry Ford



Senator Norris shocked the power trust with his plan for government development of Muscle Shoals.
U.S. Senate Historical Office

had submitted a proposal to lease and develop Muscle Shoals. The administration and the press touted this offer as a great economic leap forward, but Senator Norris, chairman of the Senate Agriculture Committee, had serious reservations. Norris pointed out that Ford had made no offer to continue the government's program of reducing the cost of fertilizer; that Ford was offering $5 million for property the government had spent $106 million to develop; and that Ford would obtain a hundred-year lease on water power generated by government-financed dams. "I am unwilling to give away the birthright of millions of unborn citizens for the enrichment of private corporations at the expense of the taxpayers of America," Senator Norris declared. Through his persistent efforts, Norris was able to block Ford's acquisition of Muscle Shoals and, in 1928 and 1929, the senator successfully shepherded public power bills through Congress; however, both Presidents Coolidge and Hoover vetoed the measures. The Tennessee Valley Authority, as we know it today, had to await a very different president in 1933.[8]

The War Department's effort to unload Muscle Shoals represented but one incident in the Harding administration's effort to divest government property to private developers. A far more famous example of this policy was the Interior Department's leasing of naval oil reserves in Wyoming at a spot called Teapot Dome, identified by an outcropping of rocks which resembled a large teapot. Although conservationists were upset with the government's policy—the transfer of the Teapot Dome oil reserves to the Mammoth Oil Company—the action attracted little attention in the press. It was only after a private citizen in Wyoming wrote to Democratic Senator John B. Kendrick that any hint of impropriety surfaced. Why, the letter writer asked, were the negotiations for Teapot Dome oil held in secret, when the law required public bidding? Senator Kendrick wrote to Interior Secretary Albert B. Fall for an explanation but received no response. Senator Kendrick then introduced a resolution demanding that the Interior Department provide information on the transfer. This time, he received some satisfaction. The department admitted that the transaction had taken place and explained that the secret negotiation and closed biddings were necessary to protect national security.

There, the matter might have rested; after all, Secretary Fall had only recently been a senator from New Mexico and, as a member of the Senate, had been a close friend of Sen-

A persistent former prosecutor, Senator Thomas Walsh of Montana chaired the Senate's Teapot Dome investigation. *Library of Congress*

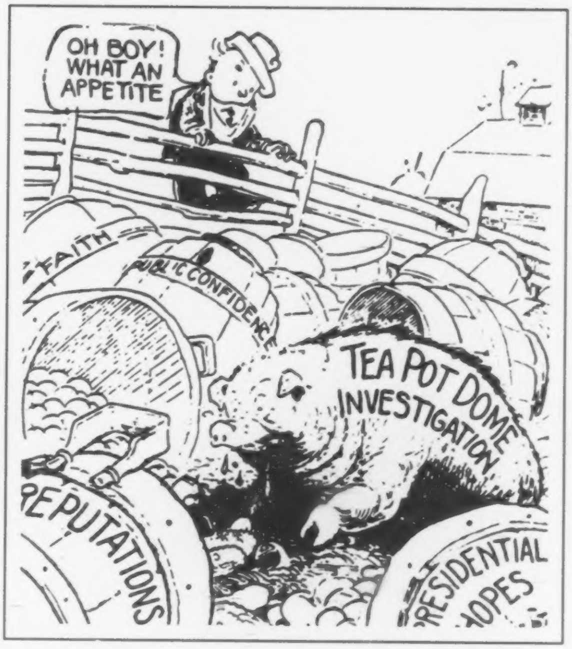
ator Harding and many other senators. But Senator La Follette was dissatisfied with the explanations Fall's department had offered and introduced resolutions calling for the Senate Committee on Public Lands to investigate the whole question of leasing naval oil reserves. When the resolutions were adopted, La Follette was the natural choice to head the investigation, but he was busy with other matters and persuaded Senator Thomas J. Walsh, a Democrat from Montana, to take the job.

Walsh was a serious-minded, clearheaded lawyer and prosecutor, a perfect choice to head the investigation. When the Interior Department, in a public show of good faith, delivered a truckload of documents relating to oil reserves, a lesser man than Walsh might have given up in the face of the impossibility and drudgery of the task. Indeed, for over a year and a half, the public and the press heard little about this Senate investigation; it generated no headlines and no glory for its chairman. Even after Walsh was ready to hold public hearings, he found it difficult to make much headway. Secretary Fall appeared in the Senate Caucus Room to deny vigorously that there had been any wrongdoing in the oil lands transfers and to maintain that they were simply a matter of good business. Walsh then brought in witnesses to describe the lavish and expensive additions that had recently been made to Fall's New Mexico ranch but was unable to link Fall's sudden prosperity to the oil deals. As the *New York Times* observed, "Senator Walsh was up against a stone wall. The wise politicos of Washington believed that he had gone as far as he possibly could go." [9]

At this point in the investigation, it was Tom Walsh and his Senate colleagues who were under attack. The Harding administration was extremely popular, and the press was overwhelmingly hostile to the investigation. Walter Lippmann referred to "that legalized atrocity, the Congressional investigation, in which Congressmen, starved of their legitimate food for thought, go on a wild and feverish manhunt, and do not stop at cannibalism." Dean John H. Wigmore of the Northwestern Law School contemptuously dismissed "the Senatorial debauch of investigation—poking into political garbage cans and dragging the sewers of political intrigue." [10]

Just at this point, as the case was on the brink of collapse, Senator Walsh achieved a breakthrough. Edward McLean, publisher of the *Washington Post,* had let it be known that he had lent Fall $100,000 in 1921, which seemed to be the source of Fall's new wealth.

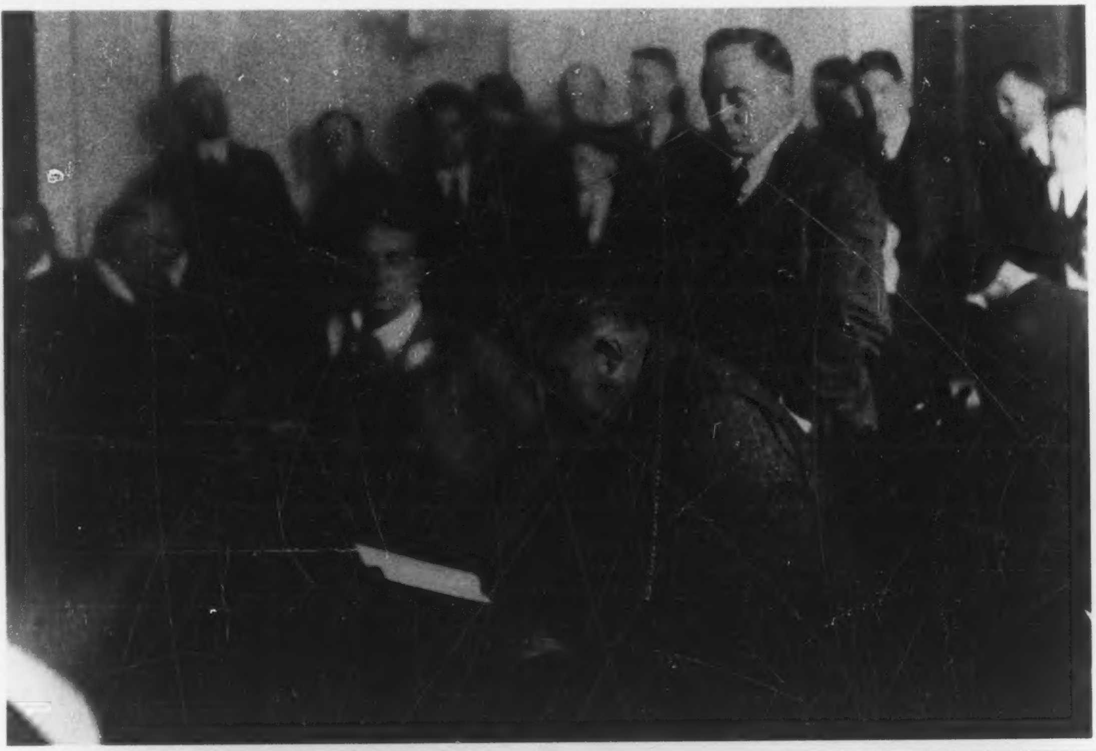
Members of the committee investigating Teapot Dome posed for photographers outside the Senate Office Building. *Library of Congress*



The Teapot Dome scandal destroyed the reputations of many prominent officials. *U.S. Senate Historical Office*

I should point out that the *Washington Post* was then a staunchly Republican paper, and McLean was a personal friend of President Harding. Senator Walsh wanted to interrogate McLean about this loan, but the publisher was in Florida and pleaded illness as an excuse for not returning to Washington to testify. Undaunted, Senator Walsh boarded a train for Florida. There, he was able to ascertain that McLean had, indeed, lent money to Fall, but that Fall had returned his checks uncashed. Fall, who was also in Florida at that time, refused to answer Walsh's questions about the true source of his income. At last, the press scented a real scandal and pursued it with a fury. The investigation became front-page news, and Senator Walsh became its hero rather than its villain.

Further investigation revealed how Fall had gotten his money. He had received large sums from Harry Sinclair, president of the Mammoth Oil Company, which leased Teapot Dome; and from Edward Doheny, whose Pan-American Petroleum Company had been awarded drilling rights in the naval oil reserve at Elk Hills, California. The rest, as they say, is history. Albert Fall went to prison. Another Senate investigation, chaired by Senator Burton K. Wheeler, also of Montana, inquired into the reasons why the Justice Department had not prosecuted Fall, Sinclair, and Doheny. That investigation led to the resignation of Attorney General Harry Daugherty, who was spared a jail term only because of his poor health. Harry Sinclair was cited for contempt of Congress for refusing to answer questions related to his private affairs. This set the stage for a significant Supreme Court decision, *Sinclair* v. *United States* (1929), which upheld the Sinclair contempt citation and the Senate's right to investigate. In a related case, *McGrain* v. *Daugh-*



Edward McLean's testimony made the Teapot Dome investigation front-page news. *Library of Congress*

erty (1927), the Supreme Court also ruled that the Senate had the right to compel private individuals to testify before its committees. These two decisions have provided the legal underpinnings for congressional investigations over the past half century.[11]

A controversial secretary of the interior, massive tax cuts, the trickle-down theory, cutbacks in government spending, the turning over of government functions to private industry—all this has a familiar ring to it. As Mark Twain once said, history may not repeat itself, but it rhymes.

Scandal and corruption became indelibly linked to the Harding administration: corruption in the Interior Department; in the Justice Department; in the Veterans' Bureau. We recall the "Little Green House on K Street" where the "Ohio Gang" hung out, and where the president would journey for an evening of poker. Alice Roosevelt Longworth, daughter of Teddy Roosevelt and wife of House Speaker Nicholas Longworth, described her visits to the White House in the Harding era, where she smelled the cigar smoke heavy in the air, saw the table tops littered with whiskey bottles (despite Prohibition), and found the poker chips spread on the tables. The president was not a bad sort of fellow, she recorded, "just a slob." Historians have echoed her assessment. Although Harding himself was never guilty of corruption, he was victimized by his corrupt friends. Long before the Senate uncovered the truth of Teapot Dome, Harding realized that his administration was collapsing. De-

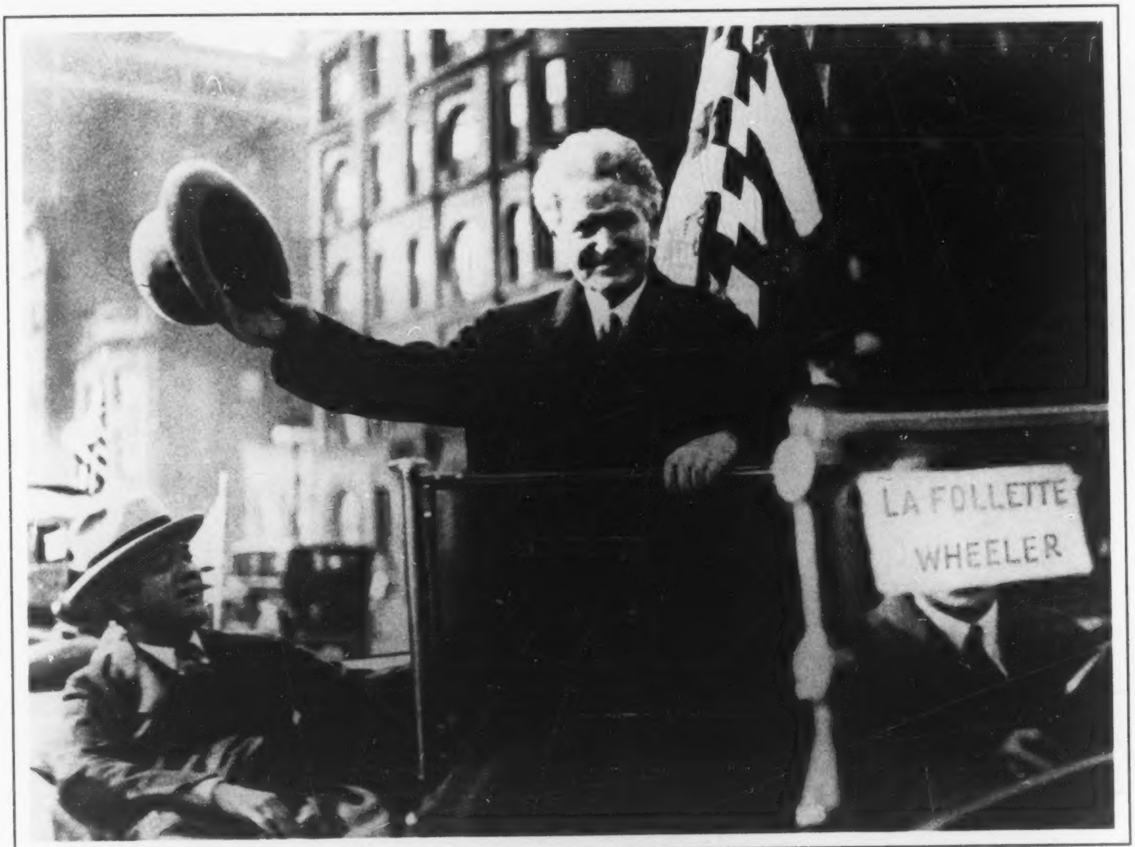
Vice President Calvin Coolidge succeeded Warren G. Harding as president. *Library of Congress*

pressed and tired, he traveled to Alaska in the summer of 1923 and, while on the West Coast, died suddenly.[12]

Harding's death elevated the taciturn New Englander, Calvin Coolidge, to the presidency. As vice president, Coolidge had quietly presided over the Senate. He rarely talked to reporters, and the press had paid little attention to him. Once he became president, he continued his reputation as Silent Cal. Coolidge stepped into the Harding mess, but had been far enough removed from the administration not to be tarred by its scandals. He went about cleaning house and building his own reputation. In 1924, he easily won the Republican nomination. His election was, however, no certainty. The Republican party, as I have mentioned, was seriously divided. In the 1922 congressional elections, farm-state progressives had routed party regulars, and Democrats had increased their numbers in both the Senate and the House. Democrats also hoped to capitalize on the Harding scandals. Unfortunately, the Democrats committed a form of political hara-kiri at their convention in 1924. After being deadlocked for 103 ballots in the sweltering heat of a New York City summer, and in their first convention broadcast over the radio, the Democrats finally nominated a reputable, but little-known compromise candidate, John W. Davis of West Virginia. Davis had little hope of healing the deep breaches in the party between urban and rural, North and South, wet and dry factions in the short months before the election.

A third candidate also made the race in 1924, and that was Wisconsin's Robert La Follette, Sr. Although aging, the old progressive would not slow down. In 1924, he put together a coalition of farmers, labor unions, progressives, and socialists into a Progressive party, and ran as their candidate for president. Democratic Senator Burton K. Wheeler of Montana was tapped to run for vice president on the ticket. Despite La Follette's enthusiasm and charisma, his third party came in third in the 1924 election. The nation had decided to Keep Cool With Coolidge, and gave the president more votes than his two opponents combined. La Follette carried only his home state of Wisconsin.[13]

The newly elected Sixty-ninth Congress contained fifty Republicans, forty Democrats, and six irregulars who had supported La Follette's candidacy. The regular Republicans were determined to punish these irregulars by expelling them from their caucus and stripping them of their committee assignments. Robert La Follette was their chief target, but death cheated the old warrior and his enemies of one last battle. In June 1925, exhausted from his presidential campaign, La Follette died. Senator Edwin Ladd of North Dakota also died before the caucus could punish him. Voters frustrated the party regulars by electing progressives to replace the two fallen senators. Gerald P. Nye took Ladd's seat, and Wisconsin elected



"Fighting Bob" LaFollette, who led progressive forces in the 1920's, is seen campaigning with his son, Robert M. LaFollette, Jr. *Library of Congress*

thirty-year-old Robert La Follette, Jr., to his father's seat. Young Bob and the rest of his family would have preferred to see his more politically aggressive younger brother, Philip La Follette, become senator, but Philip was too young to meet the constitutional age requirement. Thus, the Senate had another Robert La Follette.

The Republican caucus stripped the remaining insurgents of their committees, and awarded a contested Iowa seat to the Democratic candidate rather than permit a La Follette Republican to claim it. When Young Bob arrived in Washington that year, Republican leaders struggled over whether to welcome him or exclude him from their caucus. The new senator showed political astuteness by doing nothing. "It has been rather fun to sit tight and watch them squirm in and out of the proposition," La Follette wrote home to his family. Eventually, the caucus admitted him and assigned him to three minor committees. But La Follette insisted that his acceptance of these assignments would not bind him to the support of President Coolidge's program, a promise which he faithfully kept.[14]

There was another new personality in the Senate in the Sixty-ninth Congress worth mentioning: not a senator, but the vice presi-

Vice President Charles Dawes, *left,* who called for reform of Senate rules, is shown with Republican Majority Leader Charles Curtis.
Library of Congress

dent. Unlike Silent Cal, Vice President Charles G. Dawes was a talker, and what he said stirred people up. When sworn in, in this Senate chamber, Vice President Dawes delivered a most unusual inaugural address, in which he launched an attack on the Senate rules.

Vice President Dawes attacked the rule "which at times enables Senators to consume in oratory those last precious moments of a session needed for momentous decisions." He decried the need of presidents to call special sessions to pass legislation blocked by these last-minute filibusters. "Reform in the present rules of the Senate is demanded not only by American public opinion," Dawes rasped, "but, I venture to say, in the individual consciences of a majority of the members of the Senate itself." Members of the Democratic minority did not take kindly to this inaugural lecture, which they interpreted as an attack on minority rights. "Dawes showed as little knowledge of the Senate's rules as he did good taste—not quite as little, but nearly," commented Minority Leader Joseph Robinson of Arkansas.

Alas, having said his piece, Mr. Dawes discovered that he could say no more. Vice presidents can preside; they can cast tie-breaking votes; but they can address the Senate only with the Senate's permission. This limitation has frustrated many men temperamentally unsuited for the vice-presidency, from John C. Calhoun to Lyndon Johnson, the outspoken Dawes among them. Needless to say, the rules Charles Dawes found objectionable remained unchanged during his term as vice president.

Vice President Dawes was quite a colorful figure. The nation's first budget director, he was known for his ever-present pipe and his colorful expressions, particularly his peculiar expletive, "Hell an' Maria." After his inauguration, Mr. Dawes presided dutifully over the Senate but was in the habit of retiring to his suite at the Willard Hotel every afternoon for a nap. On March 11, 1925, he left as usual, having been assured by the Republican leadership that there would be no votes cast that afternoon. The Senate was debating President Coolidge's nominee for attorney general, Charles Warren, but the debate took a sharply negative turn as Democrats and progressive Republicans attacked Warren's connections to the sugar trust. Fearful that Warren's support was eroding, Republican Majority Leader Charles Curtis decided to call for a vote, which was expected to be close. A hurried call went to the Willard.

Up jumped the vice president, who dressed hastily and rushed out to catch a cab for the Capitol. The vote in the Senate was tied at 40 to 40, but the vice president was still not there. A Republican senator announced that he would change his vote, as a tactic to enable him to move for reconsideration, but the Democrats immediately moved to table the motion. Suddenly, the disheveled vice president burst through the swinging doors into the chamber, but, at that moment, Senator Lee Overman of North Carolina, the only Democrat to vote for Warren, rose and changed his vote observing that he was "convinced that this side of the house does not want this man for attorney general." Mr. Warren was defeated 39 to 41. Mr. Coolidge, who reputedly enjoyed long naps himself, did not take kindly to the sleeping vice president who had cost him an attorney general.[15]

The next day, Senator George Norris celebrated the vice president's wild ride in rollicking verse, taking some liberties with the familiar stanzas of *Sheridan's Ride:*

Up from the East out into the day,
Bringing to the Willard fresh dismay,
The affrighted air with a shudder bore
Like a herald in haste, to the chieftain's door,
The terrible grumble and rumble and roar,
Telling the battle was on once more.
And Dawes full fifteen blocks away.

And under still those billows of war
Thundered along the horizon's bar;
And louder yet into the Willard rolled
The roar of that Senate uncontrolled,
Making the blood of the listener cold,
As he thought of the stake in Senatorial fray,
And Dawes full fifteen blocks away.

But there's a street from the Willard's feast
A good, broad highway leading east,
And there, through the flush of the fading light,
An auto as black as the steeds of night
Was seen to pass, as the eagle flight,
As if it knew the terrible need;
It stretched away with its utmost speed;
Hills rose and fell, but its heart was gay,
With Dawes now only ten blocks away.

Still spring from those swift wheels, thundering on,
The dust, like smoke from the cannon's mouth;
Or the trail of a comet sweeping faster and faster,
Foreboding to traitors the doom of disaster.
The heart of the auto and the heart of the master
Were beating like prisoners assaulting their walls.
Impatient to answer the fierce Senate calls;
Every nerve of the auto was strained to full play,
With Dawes now only five blocks away. . . .

With steam and with heat the black auto was gray,
By the flash of its light and its red fire's play,
It seemed to the whole great Senate to say,
"I have brought you Dawes all the way,
From the Willard—to save the day."

Hurrah, Hurrah for Dawes!
Hurrah! hurrah for this high-minded man!
And when his statue is placed on high,
Under the dome of the Capitol sky,
The great senatorial temple of fame—
There with the glorious General's name
Be it said, in letters both bold and bright,
"Oh, Hell an' Maria, he has lost us the fight."[16]

Indeed, Mr. President, there is a bust of Vice President Dawes in the "great senatorial temple of fame." It stands just outside the east door of this chamber, at the entrance to the Reception Room. Mercifully, it does *not* contain the inscription "He has lost us the fight!"

Despite Mr. Dawes' comeuppance, the issues of filibuster and cloture that he raised were significant ones that deserve a good deal of additional attention. As I mentioned in my last address, it was not until after the filibuster by the "little group of willfull men," against arming the merchant marine in 1917, that the Senate first established a cloture rule. But cloture was—and still is—difficult to invoke. Minorities in the Senate have made full use of the tradition of unlimited debate in frustrating the majority. Professor Lindsay Rogers, in his classic account *The American Senate,* published in 1926, defended the "freedom of debate," or filibuster, as one of the tremendous advantages the Senate possessed against the growing power of the presidency. "Because cloture is impossible," wrote Professor Rogers, "Senate minorities are able to force some accountability into the rigid irresponsibility of the American system; if not confronted by the weapon of unrestricted debate, party control, untempered by fear of the electorate, could become a party cloak, effectively concealing what the executive desired to conceal. Whatever may be thought of the rightfulness or wrongfulness of the Senate's power over appointments, treaties, and legislation, there can be no question," Rogers concluded, "of its benefit with regard to checking the executive." And remember, the executive at the time this book was published was Calvin Coolidge!

Filibusters were especially prevalent in the short sessions of Congress. In those days, a new session of Congress began each year on the first Monday in December. The first session could extend as far into the spring or summer as was needed, but the second session, which also began in December, had to finish its business by noon on March 4. This was the short session, which long-winded senators could tie into knots and in which they could talk any objectionable legislation to death. This situation continued until the Constitution's Twentieth Amendment went into effect in January 1934, setting noon on January 3 as the annual opening date of Congress, giving each session a full year in which to meet if necessary.

Today, there must be a three-fifths vote rather than a two-thirds vote to cut off a filibuster in the Senate, but we must contend with such new innovations as the post-cloture filibuster. Many of us, myself included, have participated in filibusters and have also fought to break them, depending upon the particular circumstances. Professor Rogers believed that the weapon was worth the frustration and delay that it caused, and he described it as a major source of the Senate's power. "The trend," he wrote, "may be toward Government of the Senate, by the Senate and for the Senate." One thinks this was something of an exaggeration. The president, even Silent Cal, was still a most powerful figure.[17]

Take, for example, Congress' fight with the president over farm policy in the 1920's. When we talk about the Coolidge prosperity of that decade, we need to remember that not all Americans shared in that prosperity. For farmers, the 1920's were years of overproduction, debt, and depression. Senator Norris and other farm-state legislators asked how long the prosperity of big business could last "when the fundamental industry of all was languishing." The Coolidge administration, which epitomized laissez faire government inaction, offered no program to aid farmers, and so the initiative came entirely from Congress.[18]

The congressional solution was the McNary-Haugen bill, so named for its chief sponsors, Senator Charles McNary of Oregon and Representative Gilbert Haugen of Iowa. McNary had succeeded Norris as chairman of the Senate Agriculture Committee. First introduced in 1924, the McNary-Haugen bill proposed a Federal Farm Board to purchase farm surpluses and either hold them off the market until prices rose or sell them overseas. In 1926, McNary-Haugen went down to defeat in both the House and Senate, but the farm bloc increased its efforts. On February 11, 1927, the Senate passed the bill by a 47 to 39 margin, and the House followed shortly afterward. But, on February 25, Congress received President Coolidge's veto message. "The difficulty with this particular measure," Coolidge stated, "is that it is not framed to aid farmers as a whole, and it is, furthermore, calculated to injure rather than promote the general welfare." Coolidge took special exception to the equalization fee the bill would have charged on farmers' products to offset government expenditures in purchasing their surpluses. The president saw this as pure and simple price-fixing. "Government price fixing, once started, has alike no justice and no end," Coolidge declared. "It is an economic folly from which this country has every right to be spared." [19]

While there was some validity to Coolidge's objections—particularly his warning that dumping American farm surpluses overseas would lead to retaliation by other nations—Coolidge's economic policies in general showed a major inconsistency. The president objected to special government programs to help the farmer, but he had no objections to helping business. Coolidge was "in reality a devoted partisan of industry," Professor John D. Hicks wrote in his study of the *Republican Ascendancy: 1921–1933.* "He saw nothing wrong with a protective tariff—a tax designed specifically to fit the needs of industry. . . . Coolidge prosperity was just another name for industrial prosperity." Nevertheless, Coolidge's veto could not be overridden. Again, in 1928, Congress passed and Coolidge vetoed McNary-Haugen legislation. Help for the farmers would not be forthcoming.[20]

Another area of inactivity concerned the enforcement of Prohibition. The Eighteenth Amendment had been ratified in 1919, with great hope of eliminating the consumption of liquor and drunkenness; but no one anticipated the wave of lawlessness that would follow, as citizens flouted the law and organized crime moved to control the traffic in liquor. Speakeasies blossomed around the country, and, even here in the Capitol, a bootlegger known as the Man in the Green Hat worked his trade, allegedly having outposts in the House and Senate office buildings. The bootlegger said that drys in Congress—that is, those members who voted for Prohibition—were better customers than wets—those who voted against Prohibition. It was not because drys were such hypocrites, he noted, but just because there were more of them than there were wets. Prohibition was a dangerous time, as Senator Frank Greene of Vermont discovered one night in February 1924. Senator Greene and his wife were walking on Pennsylvania Avenue, near the Capitol grounds, when they were caught in a gunfight between bootleggers and revenue agents. The senator was shot in the head and, although he recovered, was left with a severe speech impediment.

The Prohibition Bureau in the Treasury Department proved completely incompetent in enforcing the law. Neither Presidents Harding nor Coolidge recommended the amount of funding the Bureau needed to do its job adequately. Prohibition became one of those issues that politicians talked about endlessly, but about which they did nothing. This only contributed further to a general disrespect for the law.

One department of the federal government which stood out in this general atmosphere of laissez faire was the Department of Commerce. Partly, we can explain this by the favoritism shown by the Harding and Coolidge administrations to business, but even more important was the dynamic secretary of commerce, Herbert Hoover. Mr. Hoover is one of those figures in American history who has been so caricatured that it is difficult to cut through the myth to find the reality. So many Democratic candidates have campaigned over the years against Herbert Hoover and his economic policies—I have been one of those candidates—that it may come as a surprise that Hoover got his start as War Food Administrator in the Democratic Wilson administration, and that, in 1920, many Democrats hoped he would run for president on their ticket. One of Hoover's admirers in those days was the assistant secretary of the navy, Franklin Roosevelt. "Hoover is certainly a wonder and I wish we could make him President of the United States," Roosevelt wrote to a mutual friend.[21] But Hoover chose to go with the Republicans, and won a post in the Harding and Coolidge cabinets. There, he became the best-known and most active cabinet secretary, dabbling in everything.

Although Hoover's beliefs were rooted in rugged individualism, he held some fairly progressive ideas about government's role in society and the economy. As secretary of commerce, he commissioned studies into ways of preventing the cycles of boom and bust and for dealing with economic downturns. Hoover was involved in radio regulation and supported the Federal Radio Act of 1927, which established public ownership of the airwaves and federal regulation of broadcasters. The commission set up under this act was the forerunner of the Federal Communications Commission. Under Hoover, the Commerce Department also became involved in air transportation when the Air Commerce Act set up an aeronautics branch in the department. Hoover interested himself in labor and agricultural issues as well, claim-jumping in the areas of other cabinet secretaries.[22]

When President Coolidge made his surprise announcement that he did not choose to run in 1928, Herbert Hoover became the frontrunner for the Republican nomination. The Democrats, after their disastrous convention in 1924, pulled together and nominated New York Governor Al Smith for president. The two vice-presidential candidates that year made an interesting pair. They were the Senate's Majority and Minority Leaders: Senators Charles Curtis of Kansas and Joseph Robinson of Arkansas.

Known as the "Happy Warrior," Al Smith had been a popular governor of New York and had built a liberal record, but, as a presidential candidate, he could not transfer his New York popularity to a national following. His candidacy met a wall of prejudice—he was the first Catholic nominated by a major party for the presidency. He was a wet on Prohibition and represented the urban, immigrant masses—all factors which worked against him in Protestant, dry, rural areas of the country, even among members of his own party. In contrast, Coolidge prosperity and the general health of the economy worked for the Republicans, sweeping Herbert Hoover into the White House.[23]

As president, Herbert Hoover little resembled his two Republican predecessors. There were elements of a reform presidency in his first months, notably his creation of a National Commission on Law Observance and Enforcement, chaired by former Attorney General George Wickersham, and his support of the Agricultural Marketing Act of 1929, which set up a Federal Farm Board designed to encourage farmers' cooperatives and to buy and sell some farm goods to raise prices. This was Hoover's answer to the McNary-Haugen bill.

In October, however, President Hoover's fortunes collapsed with the crash of the stock markets. The United States entered into the longest and most severe depression in its history. President Hoover had been in office only half a year but bore the full blame in the public's eye. The crash and depression, however, were the results of the policies of the entire Roaring Twenties. Andrew Mellon's tax program had poured money back into the hands of the wealthy and, undoubtedly, stimulated the economy and private investing, but the unequal distribution of wealth undermined those efforts. Production outstripped consumption, and supplies mounted on warehouse shelves. The easy credit of the 1920's stimulated consumer buying but stretched individuals' resources dangerously thin.

Margin buying on Wall Street turned the stock market into a house of cards, liable to fall at the first shock. The federal government's lack of supervision of the markets during those boom years had left the doors open for vast numbers of fradulent stock deals and unsavory practices, diverting investments from legitimate enterprise to fly-by-night operations. The federal government had abandoned its responsibilities under laissez-faire leadership and now had to suffer the consequences.[24]

It was appropriate, perhaps, that, at the time the stock market was collapsing, the Senate was debating the Smoot-Hawley Tariff, the highest tariff in our history and the symbol of all that was wrong with our national economic program. President Hoover had called Congress into session for a "limited revision of the tariff," but the legislative process quickly got out of control. Industrial and agrarian representatives in Congress reached mutual agreements on raising each other's tariff rates and engaged in some heavy-handed logrolling. After the stock market crashed, business looked to the tariff as its salvation. Senator George Norris observed that Washington had filled up with lobbyists clamoring for higher tariffs to protect their industries. The Capitol, he said, was besieged by "hundreds of men, coming on special trains," to plead for one product or another.

After ten months of debate, the Senate passed the Smoot-Hawley Tariff by a 53 to 31 vote. Senator Norris called it "one of the most selfish and indefensible tariff measures that has ever been considered by the American people." Young Bob La Follette denounced it as "the worst bill in the history of the Republic." La Follette continued, "As the bill stands today, it is the product of a series of deals, conceived in secret, but executed in public with a brazen affrontery that is without parallels in the annals of the Senate." [25]

Even President Hoover was embarrassed by the Smoot-Hawley Tariff. Hoover was a good enough economist to know that building high tariff walls was no solution for a nation suffering from overproduction. Hoover had wanted to strengthen the Tariff Commission instead and let it fine-tune tariff rates, rather than boost rates across the board. A high tariff, he realized, would only stimulate economic nationalism and invite reprisals against the United States. It would hurt, rather than help, the sagging economy. Still, President Hoover had other legislative matters he wanted Congress to consider and, so, signed the Smoot-Hawley Tariff.[26]

The economy did not grow stronger; it worsened. Stocks continued to fall. Businesses failed. Unemployment rose. Homes and farms were foreclosed. Banks closed their doors, taking depositors' entire life savings with them. It was a time of great national tragedy.

In my next address, I shall discuss the United States Senate's role in combating the Great Depression; the contrasting solutions offered by two presidents, Herbert Hoover and Franklin D. Roosevelt; and the consequent political fortunes of the Republican and Democratic parties. I began my remarks today with Will Rogers' witticism on the Democratic party's disarray. I shall conclude by observing that the depression fused the Democratic party together again and gave it a new sense of purpose, a new program, a new coalition, and a strong new leadership to set about putting the nation together.

CHAPTER 24

The Great Depression
1929–1939

June 15, 1984

Mr. President, I have some very clear recollections of the Great Depression. I was born in 1917 and, therefore, was in my teens when the Great Depression was felt around this country and throughout the world. My recollections are quite vivid, and it is somewhat within the context of those recollections that I proceed today to speak on this subject.

Many tense debates have occurred in this chamber, many moments of history enmeshed with anxiety; but I cannot imagine a more fearful night than Friday, June 17, 1932. The Senate was debating the bonus bill passed by the House just two days earlier. This bill was designed to advance the bonus promised to World War I veterans, from its scheduled payment in 1945 to immediate payment in 1932. Thousands of veterans had marched on Washington, many riding the rails on freight cars, to demonstrate their poverty and their fear that payment in 1945 would be too late to save them. As Senator Joe Robinson, the Democratic floor leader, said: "It was a debt, Mr. President; it was not a bonus. It is not due in 1945. It was due on the day the armistice was signed." There was no drama over the outcome of the vote. It was a foregone conclusion, inside the chamber, that the bonus bill would be defeated by a wide margin. The drama was not inside the Capitol, but immediately outside it on the eastern plaza. As the Senate debate began that morning, bonus marchers appeared on the plaza—first, in small numbers; then, in hundreds. By that evening, some twelve thousand men were congregated outside, silently awaiting the outcome. Inside, Capitol policemen with rifles were posted at the doors. One wonders what went through the minds of the senators as they looked out the windows at that vast crowd. Near 9:00 p.m., the Senate voted down the bonus bill, 62 to 18, and then adjourned. Walter W. Walters, one of the leaders of the "bonus expeditionary force," came out and announced the vote. Walters called it a "temporary setback" and promised to continue the fight, and the crowd roared its approval; then, the twelve thousand veterans stood facing the Capitol and sang "America," before departing in the night back to their camps.[1]

Although that tense night ended peacefully, we know that the bonus march itself came to a violent end a month later. Most of the veterans left the city after Senate rejection of their bill, but others lingered on in camps on the Anacostia Flats, within sight of the Capitol dome. At the end of July, a skirmish broke out between a small group of demonstrators and District of Columbia police, in which two men were killed and several more wounded. The district commissioners asked for federal troops to handle the crowd.

I recommend to senators and others the book titled *The Glory and the Dream,* which is a narrative history of America from 1932 to 1972, written by William Manchester. Mr. Manchester recounts that "[General Douglas] MacArthur was the only four-star general in the country—and there were no three-star generals. As chief of staff, he received $10,400 a year, a home at Fort Myer, and the exclusive use of the Army's only limousine."

Writing of General MacArthur's aide, Manchester notes, "To his aide he seemed to occupy a distant pinnacle." His aide was Major Dwight Eisenhower.

> Major Eisenhower's annual salary was $3,000. Because he doubled as the military's congressional lobbyist, he frequently went up to Capitol Hill. But his employer never loaned him the limousine. Nor was the major given taxi fare; in all of official Washington, there was no such thing as a petty cash fund. Instead, as he liked to recall in later life, Eisenhower would walk down the hall and fill out a form, in exchange for which he received two streetcar tokens. Then he would stand outside on Pennsylvania Avenue and wait for a Mt. Pleasant trolley car.

As one who came to Washington to serve in Congress at a time when there were still streetcars operating in the city, I can sense Major Eisenhower's feelings and also have a sense for his experiences, which would include, naturally, difficulty in getting to Capitol Hill, at times, in those days. But, to return to the scene:

> Attorney General [William D.] Mitchell had already ordered the evacuation of all veterans from government property.[2]

President Hoover learned at lunch of a shooting which had occurred, and the president told Secretary of War Patrick J. Hurley to use troops to clear out the veterans—the bonus marchers. Hurley passed the word on to the chief of staff:

> The chief wasn't in uniform. His aide didn't think he should be. "This is political, political," Eisenhower said again and again, arguing that it was highly inappropriate for a general to become involved in a street-corner brawl. The general disagreed. "MacArthur has decided to go into active command in the field," MacArthur declared. "There is incipient revolution in the air." So the soldiers, who were arriving from Fort Myer, milled around on the Ellipse, watched by Hoover from his oval office while an orderly dashed across the river to fetch the chief's tunic, service stripes, sharpshooter medal, and English whipcord breeches. The general also ordered Eisenhower into uniform. "We're going to break the back of the BEF," he said, and led his staff to the limousine. At Sixth and Pennsylvania (which later became the site of Washington's largest cut-rate liquor store) the car pulled over and began still another wait. "What's holding us up?" someone asked. "The tanks," MacArthur replied. He was going to use tanks. Everyone sat back and sweated—everyone, that is, except MacArthur. This is the first recorded instance of the general's remarkable inability to perspire. He remained cool, poised, and starched. It gave him an immense psychological advantage, and there were those who bitterly resented it.
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> Meanwhile the White House was issuing communiqués President Hoover announced that the troops would "put an end to rioting and defiance of civil authority." A few minutes later the White House revealed that the men who had clashed with the police were "entirely of the Communist element." Reporters, finding MacArthur in his car, asked him what he was going to do. "Watch me," he replied. "Just watch me." Instead they were watching the astonishing display of force which was arriving, at last, down Pennsylvania Avenue. Troopers of the 3rd Cavalry, led by Major Patton, pranced along brandishing naked sabers. Behind the horses marched a machine gun detachment and men from the 12th Infantry, the 13th Engineers, and the 34th Infantry, the sun glinting on their bayonets. Behind these units rolled the six tanks, the cater-

pillar treads methodically chewing up the soft asphalt. It was now 4:45 p.m. The operation had become the worst-timed in MacArthur's career. Fifteen minutes earlier, the District's civil service workers had begun pouring into the streets, their day's work done; twenty thousand of them were massed on the sidewalks across from the bewildered, disorganized veterans. Someone was going to get hurt if the cavalry commander didn't watch out, and Major Patton was not celebrated for his solicitude toward civilians.

The veterans, assuming that this display was a dress parade for their benefit, applauded. The spectators clapped, too, though they were the first to be disillusioned. Abruptly Patton's troopers wheeled and charged into the crowd. "At first," wrote J. F. Essary, veteran Washington bureau chief of the *Baltimore Sun*, "it seemed that this attack upon the civilian observers was merely the act of a few of the armed horsemen. But later it appeared that it was a part of a concerted movement by the cavalry officers." Essary reported that the troopers charged "without the slightest warning" into "thousands of unoffending people"; that men and women were "ridden down indiscriminately"; and that one man who refused to move from the front of a telegraph office was beaten back into the doorway by two cavalrymen who flailed him with the flat side of their blades. Among those trampled was Senator Hiram Bingham of Connecticut—Panama hat, Palm Beach suit, and all.

"Clear out!" the mounted men yelled, and the spectators shouted back, "Shame! Shame!" The veterans, meanwhile, had hurriedly formed a solid line across the street. Their leaders were waving flags at rallying points, and it was these colors which became the troopers' second objective. Reforming in extended order, they bounded across Pennsylvania Avenue, converging on the faded standards. The vets were stunned, then furious. Some dared the soldiers to dismount and fight. . . . By now all the bonus marchers were hooting and booing. One soldier in his late teens wrested a banner from the hands of a former AEF sergeant. "You crummy old bum!" the boy spat. A man near MacArthur called out, "The American flag means nothing to me after this." The general snapped, "Put that man under arrest if he opens his mouth again."

The general's troops used tear gas indiscriminately:

The only participants with real protection would be the general's troops, who were now donning masks. Policemen tied handkerchiefs over their faces, storekeepers who had been warned slammed their doors and transoms, and those veterans who saw the masks spread the alarm, for they knew what was coming. . . . The infantry came running on the heels of the horsemen, pulling the blue tear gas bombs from their belts and throwing them ahead. Suddenly the air was sharply tainted; the spectators broke and fled. A sickly-sweet haze hung over Pennsylvania Avenue, and beneath it the BEF women, blinded and choking, stumbled from the occupied buildings clutching pots, pans, and children. "It was like a scene out of the 1918 no-man's land," reported the Associated Press. It wasn't quite. Washington was the capital of a nation at peace. The uneven struggle was being waged in the very shadow of Congress. Most of those present were noncombatants, and some were professionally neutral, though armed authority regarded newspapermen with suspicion. One reporter darted into a phone booth outside a filling station to call his office; a soldier tossed a bomb inside and drove him out.

Resistance vanished. Driven by sabers, bayonets, and a rising wind—which blew the vile gas southward—the stricken BEF retreated toward the Anacostia River. It was a clumsy withdrawal. The women were carrying infants and their husbands shabby suitcases, and the retirement was harried by the puffs of fresh gas bombs. Gallinger Hospital was beginning to fill up with casualties. The evening noises were frightening: ambulance sirens, fire engines, galloping horses, tramping soldiers, newsboys hawking extras, and the clanking of the tanks, whose role was, and would continue to be, quite vague; "so far as I can recall," Eisenhower wrote toward the end of his life, "they took no part whatever in the movements to evacuate the veterans," although there was plenty of time for them, because the retirement "proceeded slowly." Nevertheless, by 9 p.m. the refugees had crossed the Eleventh Street Bridge and joined the main BEF camp on the far shore. MacArthur's force had cleared out other camps on C Street, on Maryland and Maine Avenues, along the wharves, and near the Congressional Library. Stacking arms near a gas works at about eight o'clock, the troops messed at a field kitchen while their leader contemplated his next move.

To him the decision was obvious. His mission was the destruction of the BEF. There was no substitute for victory. His job wouldn't be complete until he had crossed the river, invaded the vets' sanctuary, and leveled their headquarters. . . . Commander in Chief Hoover had his own ideas about how his army should be used, and they stopped at the water's edge. To make certain his instructions reached the general, he sent duplicate orders through General Moseley and Colonel Clement B. Wright, secretary of the General Staff. Ac-

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Bonus marchers camped outside Washington in Hoovervilles before the army brutally drove them out.
Library of Congress

cording to Eisenhower, the President "forbade any troops to cross the bridge into the largest encampment of the veterans, on open ground beyond the bridge." That was clear enough, and another general would have submitted instantly. Not MacArthur. He was choleric at this civilian meddling He told the astonished Moseley that his plans had to go forward; he would not brook interference. To Eisenhower the chief of staff declared emphatically that he was "too busy and did not want either himself or his staff bothered by people coming down and pretending to bring orders." For the first but not the last time, the general decided to disobey a President.

Mounting heavy machine guns on the bridge to meet any counterattack, MacArthur led a column of infantry across, with Major Eisenhower at his side. . . . The Anacostia camp was a jumble of packing crates, fruit crates, chicken coops, burlap-and-tarpaper shacks, tents, lean-tos, wrecked touring cars, and dun-colored, tepee-like shelters. It didn't seem possible that anyone could have become attached to so preposterous an array of junk, but it was the only home the BEF families had. They were huddled here in the dark, praying for deliverence. What they got was another fusillade of tear gas bombs. Some fled screaming, some hid; one large group of about five hundred gathered on the edge of the camp and mocked the troops with the chant, "Yellow! Yellow! Yellow!" Veterans who had planted vegetable gardens pleaded with the infantrymen to spare their crops. The green rows were trampled anyhow. At 10:14, the Associated Press reported, soldiers put the torch to the hodgepodge of buildings. Flames leaped fifty feet in the air and spread to a nearby woods; six companies of firemen had to be summoned. From his White House window the President saw the glow in the eastern sky and demanded to

> know what had happened. To Eisenhower "the whole scene was pitiful. The veterans, whether or not they were mistaken in marching on Washington, were ragged, ill-fed, and felt themselves badly abused. To suddenly see the whole encampment going up in flames just added to the pity one had to feel for them."
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> The major's compassion wasn't universal. Seven-year-old Eugene King, a vet's son, tried to rescue his pet rabbit from the family tent.

I do not like profanity, but I will read the sentence:

> "Get out of here, you little son-of-a-bitch," said an infantryman, and before the boy could move, the soldier ran a bayonet through his leg. Again ambulances raced the two miles from Gallinger Hospital. There were over a hundred casualties. Two babies were dead of gas, and the angry editor of the BEF newspaper suggested the epitaph for one: "Here lies Bernard Myers, aged three months, gassed to death by order of President Hoover."

That was unfair because it was not by order of President Hoover that these people be wounded and so mistreated or killed. The veterans were bitter.

> They had seen soldiers pouring gasoline on their huts while well-to-do Washingtonians in yachts cruised close to look at the show. And at 11:15 p.m. they had watched Major George S. Patton Jr. lead his cavalrymen in a final destructive charge. Among the ragged bonus marchers routed by their sabers was Joseph T. Angelino, who, on September 26, 1918, had won the Distinguished Service Cross in the Argonne Forest for saving the life of a young officer named George S. Patton Jr.[3]

President Hoover, locked in the White House, did not countermand the violation of his orders and received public blame for the army's overreaction against its own veterans. The president's humanitarian reputation lay in ruins along with the burning camps on the Anacostia.[4]

The bonus march brought home to Washington the terrible suffering that the depression had inflicted upon the United States, the desperation of the people, and the revolutionary potential behind the social unrest. Although we have recently been through the worst economic recession since the 1930's, it is almost impossible today—except for those of us who lived through and experienced it—to comprehend the severity of the Great Depression.

When the Penn Square Bank of Oklahoma failed two years ago in 1982, the Federal Deposit Insurance Corporation protected and insured the funds of its depositors. When the Bank of the United States, located on New York's Lower East Side, failed in 1930, its depositors, mostly immigrants and the working poor, lost their entire savings. Thousands of men, women, and children lined up at the bank's doors through the night in a vain hope of getting their money back. One man, a janitor who had lost forty years of savings, went home and hanged himself.

To recount a bit of personal experience: as a boy, I sold the *Cincinnati Post,* and I saved seven dollars. I put that seven dollars in a bank at Matoaka, West Virginia. The bank went under, and I have not seen my seven dollars since.

I can remember the newspapers in those days. There were frequent stories of businessmen, bankers, and others who took their lives by jumping out of windows or holding cocked pistols to their temples and blowing out their brains.

Thousands of banks failed; businesses laid off workers or closed their doors altogether; mortgages were foreclosed. People who, a few years earlier, had been prosperous found themselves out of work, homeless, and hungry. As Professor Arthur Schlesinger, Jr., has vividly described it:

> With no money left for rent, unemployed men and their entire families began to build shacks where they could find unoccupied land. Along the railroad embankment, beside the garbage incinerator, in the city dumps, there appeared towns of tarpaper and tin, old packing boxes and old car bodies. Some shanties were

> neat and scrubbed; cleanliness at least was free; but others were squalid beyond belief, with the smell of decay and surrender. Symbols of the New Era, these communities received their sardonic name: they were called Hoovervilles. . . .
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> At the breadlines and soup kitchens, hours of waiting would produce a bowl of mush, often without milk or sugar, and a tin cup of coffee. The vapors from the huge steam cookers mingling with the stench of wet clothes and sweating bodies made the air foul. But waiting in the soup kitchen was better than scavenging in the dump.[5]

Between March 1930 and March 1931, unemployment doubled from four to eight million, grossly overburdening local and state relief agencies. The private sector simply could not handle the immensity of the human tragedy. Americans turned to Washington for help. The federal government was the people's last resort, the only institution capable of tackling the crisis. But the president and the Congress were divided and unsure of what to do—fearful of making mistakes that would worsen the situation, locked into old ideologies, and hesitant to adopt bold experimentation.

Let us go back to the beginning of the depression to understand how all this developed and to follow the changing response of the United States Senate to these events. The Seventy-first Congress, elected with Herbert Hoover in 1928, was preponderantly Republican, with 56 Republicans to 39 Democrats and 1 Independent in the Senate; 267 Republicans to 167 Democrats and 1 Independent in the House. President Hoover, however, could not count on the complete support of his party in Congress. Before he ran for the presidency, Hoover had never held elective office. He had little sympathy and respect for politicians, and they had little for him. When Hoover ran for the Republican nomination in 1928, his chief opponent, as he noted in his memoirs, was "most of the United States Senate." The Republican Old Guard did not trust him. They considered him too progressive, too independent, too aloof. They called him Sir Herbert because of his many years of residence in London. They took potshots at him in the *Congressional Record*; they investigated his preconvention expenditures; they ran favorite-son candidates against him in the primaries. When he won the nomination and the election, they were stuck with him.[6]

I have not forgotten those days in the late twenties, Mr. President, the days of the two-cent stamp, the penny postcard. I lived on a little hillside farm up a hollow more than three miles from what we called the "hard road." I walked those three miles out of that hollow to catch the school bus and ride to Spanishburg, West Virginia, a distance of four miles. In the afternoon, I would ride the four miles back on the bus and then walk the three miles back up the hollow—the screech owls were screeching and the hoot owls were hooting. That was really "forced busing." We did not have any other high school or junior high school nearer; my school was seven miles away, four miles of which I traveled on the bus and three miles of which I traveled on "shank's mare," as we called it—that is, I walked.

I used to take a jar of sweet milk and a piece of cornbread to school; we had no refrigerator in those days. Our refrigerator was the old springhouse where my foster mother kept a little butter and milk. We had one old cow, a horse named George, and an old hound with which I used to go out at night carrying a bottle filled with kerosene and a rag wick in the top of it to give light. We would sit on a rock and look at the moon, or the dog would chase a rabbit into one of the rabbit gums I had built.

The next morning, I would go out to the trap and find a rabbit with its leg broken. I would release the trap and shed tears at such cruelty, but I then took the rabbit down to Fred Jennings' store on the hard road three miles down the creek and got fifteen cents for it—a lot of money in those days when we could only have perhaps one Coca Cola a year and a little homemade ice cream on the Fourth of July. The days of the Great Depression—they were a bitter school of hard knocks.

President Hoover described Congress as "that beer garden up there on the Hill," and referred disparagingly to the intelligence of its members. Sometimes, we may think that the situation is pretty bad these days, in the light of the excoriation which Congress gets from time to time from Mr. Reagan, but we can see that President Hoover might have been worse. He talked about this very unhappy relationship with his own party's congressional leadership. "Is it my fault," he asked, "if Jim Watson [the Republican Senate Majority Leader] . . . prefers to play his own politics against me?"

Found too progressive by conservative Republicans, Hoover was regarded as too conservative by such progressive Republicans as George Norris and Robert La Follette, Jr. Only a small group of moderate Republicans, led by Michigan Senator Arthur Vandenberg, rallied to Hoover's support with any consistency. Thus, as Hoover's biographer, David Burner, has noted, he exerted only "slight leadership" over the Seventy-first Congress, which was slow to act on his suggestions. Hoover was also reluctant to take on the mantle of Woodrow Wilson and blast reforms out of Congress. "I had little taste for forcing congressional action or engaging in battles of criticism," Hoover candidly admitted in his memoirs.[7]

In April 1929, President Hoover called Congress into special session to deal with his two major campaign pledges: farm relief and tariff revision. In a previous address, I discussed how the tariff tinkering went beyond Hoover's limited goals and produced the Smoot-Hawley Tariff, the highest in the nation's history, which further contributed to the building of international trade restrictions. Here, however, I should like to mention the farm bill, which was the first indication of Hoover's legislative leanings.

Within the Senate Agriculture Committee, farm bloc senators strongly favored a debenture plan for dealing with farm surpluses. This was a complex plan under which agricultural exporters would receive treasury certificates representing the differences in costs of production between the United States and other nations. This plan did not call for federal buying and storing of farm products, as the McNary-Haugen bills had advocated, but tried to subsidize the shipment of surpluses overseas. Despite President Hoover's opposition, the Republican Senate passed the debenture plan, but it died in conference with the House. President Hoover, who had long been dubious about the potential of overseas sales of American surpluses, instead supported the Agricultural Marketing Act of 1929, which established an eight-member Federal Farm Board to promote agricultural cooperatives to market farm commodities at home, to further crop diversification, and to attempt to stabilize farm prices. This was an improvement over previous conditions, but a modest one at best. Farm bloc senators like George Norris were especially disappointed over Hoover's appointments to the Farm Board. "These men have grown, and grown fat, have become millionaires, all from the money they have received from the farmers of America," Norris scoffed, while the farmers "have been going down and down and down" through bankruptcy and mortgage foreclosures.[8]

Hoover had won on farm matters, suffered a setback on tariff revision, and was terribly embarrassed by Senate rejection, in 1930, of his nominee to the Supreme Court, John J. Parker. Judge Parker of North Carolina was strongly opposed by labor leaders and black leaders. Parker was accused of having made speeches against blacks while a candidate for office, and of having handed down antiblack decisions as a judge. He was also accused of favoring antilabor injunctions while serving on the bench. In the face of a lobbying campaign against Parker, President Hoover noted, "a number of our Republican senators ran like white mice." On May 7, 1930, the Senate rejected Parker's nomination by a vote of 39 to 41. "This failure of my party to support me," Hoover later commented, "greatly lowered the prestige of my administration."

Senatorial courtesy also confounded President Hoover. He discovered that the Senate's tradition of deferring to individual senators' opposition to nominees from their home states gave them considerable influence in the selection of those nominees. Hoover found such political involvement in judicial appointments intolerable, particularly when Republican Senators William Vare of Pennsylvania and Thomas Schall of Minnesota recommended men who were "wholly unfitted for the bench." When Hoover refused to nominate their candidates and offered alternative selections, Vare and Schall blocked his appointees, leaving lengthy vacancies in the federal courts. Hoover and his attorney general finally devised a plan for reducing such confrontations. Whenever a vacancy seemed imminent, the Justice Department would poll local officials for a list of potential candidates. The president would then submit to the senators from that state a list of candidates whom he could approve, allowing the senators to take credit for the final selection. It was clear, however, that Herbert Hoover found such political maneuvering extremely distasteful, if unavoidable.[9]

The major event of the Seventy-first Congress was not Judge Parker's rejection, the Agricultural Marketing Act, or even the Smoot-Hawley Tariff. The event in question did not take place in the Senate chamber or even in Washington, D.C. It occurred on Wall Street in New York City when the Great Bull Market of 1929 crashed in panic selling on Black Thursday, October 24. Despite the effort of prominent bankers and investment brokers to stem the tide, the price of stocks slipped lower and lower, wiping out investors who had bought on the margin and depreciating the paper value of all stocks on the New York exchange by some $26 billion, a 40-percent decline in value. The crash ruined investors, dried up investment capital, and shattered confidence in the economy. The nation plunged into its worst depression. Nineteen twenty-nine was only the beginning; 1930 brought factory shutdowns, job layoffs, and bank failures.

Reading again from William Manchester's book, *The Glory and the Dream*:

> Hoover had considered economy in the White House kitchen, then decided that would be bad for the country's morale. Each evening he entered the dining room wearing black tie—he was the last president who unfailingly dressed for dinner—and addressed himself to seven complete courses. The reporter who had coined the 1928 Republican campaign slogan ("A chicken in every pot and two cars in every garage") was broke and pleading for loans to support his three children, but the chief executive believed that America would despair if its first family lost faith in the return of prosperity.
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> Usually some of the courses were out of season; so were the cut flowers on the table. A custom-built humidor held long thick cigars handmade in Havana to the President's specifications; he smoked twenty a day. As the Hoovers ate, a remarkable number of men stood around and watched. The butler and footmen—all had to be the same height—stood at attention, absolutely silent, forbidden to move unbidden. In the doorways were duty officers from the company of marines who stood by wearing dress blues to provide ceremonial trappings, and there were buglers in Ruritanian uniforms whose glittering trumpets announced the President's arrival and departure from the nightly feast, even when the only other diner was his wife Lou. Hoover was proud of Lou. She spoke five languages

> fluently, was president of the Girl Scouts of America, and set what was conceded to be the finest table in White House history. Sometimes she wondered whether the President really appreciated the food. He wolfed it down with such incredible speed. . . .
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> . . . Junky shantytowns of tin, cardboard and burlap were Hoovervilles—Manhattan had two big ones, below Riverside Drive and near the obelisk in Central Park. The unemployed (an adjective which had become a noun in these years) carried sacks of frayed belongings called "Hoover bags." In North Carolina the rural poor sawed the fronts off broken-down flivvers, attached scrawny mules, and called the result "Hoovercarts." (The government tried to change the name to "Depression chariots," but no one bought it.) "Hoover blankets" were old newspapers which park bench tenants wrapped around themselves for warmth. "Hoover flags" were empty pockets turned inside out. "Hoover hogs" were the jackrabbits hungry farmers caught for food. Vaudeville comedians called out, "What? You say business is better? You mean Hoover died?" or reported that Hoover asked Secretary of the Treasury Mellon for a nickel to telephone a friend and was told, "Here's a dime, phone both of them.". . .
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> . . . He was convinced that a balanced budget was "indispensable," an "absolute necessity," "the most essential factor to economic recovery," "the first necessity of the nation," and "the foundation of all public and private financial stability"—all this despite the fact that in 1932 he was running the federal budget four billion dollars into the red. When he became convinced at last that the government must do something, he created the Reconstruction Finance Corporation to prop up sagging banks, and agreed to spend twenty-five million dollars on feed for farm animals on the condition that a bill authorizing $120,000 for hungry people be tabled. . . .
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> . . . Certainly Hoover was trying desperately to find solutions. He worked eighteen hours a day, proclaimed a statesmanlike moratorium on war debts, and even cut his own salary. And he was hopeful. In the end, he felt, what he called "rugged individualism" would win. . . .
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> . . . Riffling through Hoover's papers, one sometimes has the strange feeling that the President looked upon the Depression as a public relations problem—that he believed the nightmare would go away if only the image of American business could be polished up and set in the right light. Faith was an end in itself; "lack of business confidence" was a cardinal sin. Hoover's first reaction to the slump which followed the Crash had been to treat it as a psychological phenomenon. He himself had chosen the word "Depression" because it sounded less frightening than "panic" or "crisis." In December 1929 he declared that "conditions are fundamentally sound." Three months later he said the worst would be over in sixty days; at the end of May he predicted that the economy would be back to normal in the autumn; in June the market broke sharply, yet he told a delegation which called to plead for a public works project, "Gentlemen, you have come sixty days too late. The Depression is over.". . .
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> . . . a writer for the *Saturday Evening Post* asked John Maynard Keynes, the great British economist, whether there had ever been anything like the Depression before. "Yes," he replied. "It was called the Dark Ages, and it lasted four hundred years." This was calamity howling on a cosmic scale, but on at least one point the resemblance seems valid. In each case the people were victims of forces they could not understand.

I have previously made reference to stories in newspapers which told of the suicides that were taking place on an almost daily basis because the financial world of businessmen and bankers and others was crashing down around their shoulders. Manchester continued:

> Newspapers of that period are crowded with accounts of men who took their own lives rather than go on relief. Emile Durkheim had created a special category, "altruistic suicides," for men who killed themselves rather than become a burden to the community. . . .
>
> . . . United States Steel and General Motors had dropped to 8 percent of their pre-Crash prices. Overall, stocks listed on the Big Board were worth 11 percent of their 1929 value. Investors had lost 74 billion dollars, three times the cost of the World War. More than 5,000 American banks had failed . . . and 86,000 businesses had closed their doors. The country's Gross National Product had fallen from 104 billion dollars to 41 billion (in 1973 it would be 2,177 billion). In 1932, 273,000 families were evicted from their homes, and the average weekly wage of those who had jobs was $16.21.[10]

Mr. President, this is not just storytelling; it is real. My first job was that of working in a gas station. They were not service stations in those days; they were gas stations! I had to wait almost a year after I had gotten out of high school before I could get a job, and mine was at the enormous salary of fifty dollars a month, with two Sundays off during each month. Fifty dollars!

When I married, my wife and I were able to get two rooms in which to live, and our refrigerator was half an orange crate nailed outside the kitchen window.

My foster father worked in the mines, and there were days I did not get to see him because he left before daylight and came home after dark. He might earn $2 or $2.50 a day, depending on how much coal he loaded in those subterranean caverns. I have been inside them. I have heard the timbers cracking on the right and the timbers cracking on the left. Miners frequently worked on their knees with kneepads, often in water puddles. They did not have hard hats in those days; they wore cloth caps with a carbide lamp on the front of the cap. Mine explosions were not rare; they were common in those days.

From *The Glory and The Dream,* I quote further:

> . . . U.S. Steel, the key to heavy industry, was operating at 19.1 percent of capacity. The American Locomotive Company didn't need much steel. During the 1920s it had sold an average of 600 locomotives a year; in 1932 it sold one. Nor was the automotive industry the big steel customer it had been. Month by month its fine names were vanishing: the Stutz Motor Company, the Auburn, the Cord, the Edward Peerless, the Pierce Arrow, the Duesenberg, the Franklin, the Durant, the Locomobile. One rash man decided to challenge Ford with another low-priced car. He called it the Rockne, lost 21 million dollars, and killed himself.
>
> . . . You learned to pay for a nickel cup of coffee, to ask for another cup of hot water free, and, by mixing the hot water with the ketchup on the counter, to make a kind of tomato soup. In winter you stuffed newspapers under your shirt to ward off the cold; if you knew you would be standing for hours outside an employment office, you wrapped burlap bags around your legs and tied them in place.

I have seen all of this, Mr. President.

> Shoes were a special problem. Pasteboard could be used for inner soles, and some favored cotton in the heels to absorb the pounding of the concrete. But if a shoe was really gone, nothing worked. The pavement destroyed the cardboard and then the patch of sock next to it, snow leaked in and accumulated around your toes, and shoe nails stabbed your heels until you learned to walk with a peculiar gait. . . .
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> . . . Men resharpened and reused old razor blades, rolled their own cigarettes or smoked Wings (ten cents a pack), and used twenty-five-watt light bulbs to save electricity. Children returned pop bottles for two cents. . . .

When a cigarette was thrown on the ground, I have seen boys rush to pick it up. They smoked those "ducks"—little pieces of cigarettes that had been smoked by someone else. The word *sanitary* did not mean much in those days.

> If a man had a dime, he could sleep in a flop house reeking of sweat and Lysol. If he was broke he salvaged some newspapers and headed for Central Park, or the steps of a subway entrance, or the municipal incinerator. . . .
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> . . . Because those figures were poorly kept, the precise extent of poverty is unknown. Somewhere between 15 million and 17 million men were unemployed, with most of them representing a family in want.

When I was born in 1917, the population of this country was about 110 million persons. When I graduated from high school in 1934, the total population was about 130 million. So, 15 million to 17 million unemployed, with most of the unemployed representing a family in want, was massive unemployment.

> *Fortune,* in September 1932, estimated that 34 million men, women, and children were without any income whatever. That was nearly 28 percent of the population, and like all other studies it omitted America's 11 million farm families, who were suffering in a rural gethsemane of their own. . . .
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> . . . Farmers were getting less than twenty-five cents for a bushel of wheat, seven cents for a bushel of corn, a dime for a bushel of oats, a nickel for a pound of cotton or wool. Sugar was bringing three cents a pound, hogs and beef two and a half cents a pound and

> apples—provided they were flawless—forty cents for a box of two hundred. . . .
>
> . . . In 1932 hourly rates had shrunk to ten cents in lumbering, seven-and-a-half cents in general contracting, six cents in brick and tile manufacturing, and five cents in sawmills. . . .
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> . . . By 1932, a third of a million children were out of school because of lack of funds. Teachers in Mississippi, northern Minnesota, Idaho, South Dakota, and Alabama managed to eat only by "boarding around" at the homes of parents. . . . In Kansas, twenty-five-cent wheat meant rural teachers were being paid $35 a month for an eight-month year—$280 a year. . . . Akron owed its teachers $300,000, Youngstown $500,000, Detroit $800,000, and Chicago's debts to its teachers were more than 20 million dollars.

I remember when teachers in West Virginia could not get their checks cashed unless they discounted 20 to 25 percent of the check. As William Manchester relates:

> The story of the Chicago schools was a great Depression epic. Rather than see 500,000 children remain on the streets, the teachers hitchhiked to work, endured "payless paydays"—by 1932 they had received checks in only five of the last thirteen months. . . .
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> . . . In the mining counties of Ohio, West Virginia, Illinois, Kentucky, and Pennsylvania, the secretary of the American Friends Service Committee told a congressional committee, the ratio was sometimes over 90 percent, with deprived children afflicted by "drowsiness, lethargy, and sleepiness," and "mental retardation." A teacher suggested that one little girl go home and eat something; the child replied, "I can't. This is my sister's day to eat.". . .
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> . . . "Nobody is actually starving," President Hoover told reporters. "The hoboes, for example, are better fed than they have ever been. One hobo in New York got ten meals in one day." In September 1932 *Fortune* flatly called the President a liar and suggested that "twenty-five millions in want" might be a fairer description of the nation's economic health. . . .
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> . . . In the Pennsylvania countryside they were eating wild weed-roots and dandelions; in Kentucky they chewed violet tops, wild onions, forget-me-nots, wild lettuce, and weeds . . .[11]

Mr. President, in this atmosphere, the election of 1930 saw a substantial repudiation of Hoover and the Republican Congress. The Republicans, who had enjoyed a one-hundred-seat advantage in the House, came out of the election with a mere two-vote margin. Between election day 1930 and December 1931, when the new Congress convened, several Republican members died and were replaced by Democrats. As a result, the Democratic party organized the House for the first time since 1919. John Nance Garner of Texas would be Speaker in the Seventy-second Congress. The Senate, which had seen a 56 to 39 Republican majority in the Seventy-first Congress, now had forty-eight Republicans, forty-seven Democrats, and one Farmer-Labor senator (Henrik Shipstead of Minnesota). In fact, Hoover had no more than forty "real Republicans" as he called them. Eight were progressive Republicans, like Norris and La Follette, who were not inclined to support the president.

President Hoover, showing his political iconoclasm, suggested to Republican leaders that they allow the Democrats to organize the Senate. "I felt that I could deal more constructively with the Democratic leaders if they held full responsibility in both houses, than with an opposition in the Senate conspiring in the cloakrooms to use every proposal of mine for demagoguery." Senate Republican Majority Leader James Watson understandably rejected Hoover's advice. "Watson, of course, liked the extra importance of being majority leader," Hoover noted, "and the Republicans liked to hold committee chairmanships and the nicer offices in the Capitol." That statement, I suggest, indicated Hoover's fearsome lack of understanding of how Congress operates and of the significant differences between a party's policies and objectives in the majority versus the minority.[12]

Prospects for a peaceful relationship between the Republican president and the politically divided Congress were not good. Herbert Hoover clung to his belief in limited government and his abhorrence of direct federal relief to the unemployed. Democratic senators and representatives called for a bolder, more dramatic, and perhaps unorthodox approach to the massive human suffering in the nation. During the lame-duck session of the Seventy-first Congress, in the winter of 1930–31, Democratic and progressive Republican senators such as Kenneth McKellar, Smith Brookhart, Thaddeus Caraway, Tom Walsh, and Hugo Black were all proposing federal relief measures. President Hoover accused them of "playing politics at the expense of human misery." When the Seventy-first Congress adjourned, on March 3, 1931, some members of the incoming Seventy-second Congress urged the president to call a special session. Hoover, recalling perhaps the difficulties he had encountered with the Smoot-Hawley Tariff after he called the Congress into special session in 1929, had no desire to repeat the experience, especially with a Democratic House. "It is my belief, and the belief of my advisers," Hoover wrote to Representative Clarence Lea, "that an extra session at the present time would create ten times the unemployment that can be cured by any possible legislation enacted." So, unbelievable as it may seem to us, as the nation faced one of its gravest crises, the United States Congress remained out of session from March to December 1931.[13]

When the Seventy-second Congress did convene on December 7, 1931, the Senate was presented with a host of resolutions from the state governments seeking various forms of relief from the economic distress. The state legislature of Colorado proposed increased silver monetization as a means of restoring flexibility (or inflation) to the monetary system; the Mississippi legislature wanted a one-year moratorium on farmer debts to the government; the state legislature of Wisconsin called for federal unemployment insurance; the territorial government of Alaska proposed a grant of 160 acres of land to all war veterans in Alaska, in lieu of a monetary bonus; the National Association of Furniture Manufacturers called for the creation of an industrial board to secure a better balance between production and employment; and so on. Senator McKellar observed that "there is hardly a day that I do not receive letters from constituents of mine saying, 'Oh, Senator, is there not some way by which it can be arranged that my home and my farm on which the Government has a mortgage may be saved? Is there not some way in which a foreclosure may be postponed and my home and farm saved?' "[14]

President Hoover, in his State of the Union message, which he delivered in writing rather than in person, continued to put the best face on affairs. He declared that the depression was worldwide, and that business depressions were transitory. Actions by local and private groups were protecting people "from hunger and cold." The president reiterated his absolute opposition to any form of direct or indirect federal aid to the unemployed, and his belief that "the largest measure of social responsibility in our country rests upon the individual. If the individual surrenders his own initiative and responsibilities, he is surrendering his own freedom and his own liberty."

Yet, having said that, Hoover then proposed dramatic new federal programs to address the problems of the depression and to seize the initiative from Democrats and progressive Republicans in Congress. He proposed a Reconstruction Finance Corporation, modeled after the World War I War Finance Corporation, to make emergency loans and provide credit to banks and industry. He also recommended creation of a Home-Loan Discount Bank to relieve mortgage pressure on home and farm owners. Hoover favored, but did not spell out a method for achieving, a reform of the banking laws to safeguard deposits. And he urged the reorganization of all federal building and construction activities into a Public Works Administration.[15]

We can see, Mr. President, that, although thirty years afterward we still campaigned on an anti-Hoover platform and won elections, Hoover did, indeed, propose some constructive ideas, more than he has been given credit for.

Congress gave Hoover what he wanted and more. In January 1932, the Senate and House passed the Reconstruction Finance Act, setting up the Reconstruction Finance Corporation with a borrowing capacity of $2 billion—former Vice President Charles Dawes headed up the new agency; in February, Congress passed the Glass-Steagall Act, which gave the Federal Reserve Board greater authority to expand credit; and, in July, the Federal Home Loan Bank Act was sent to the president for his signature. But, while Hoover won widespread support in Congress for these measures, Democrats and progressive Republicans believed they were too limited, and proposed vast new spending programs. Democrats, led by Alabama Senator Hugo Black, and Republicans, led by Wisconsin's "Young Bob" La Follette, introduced massive public works and public employment bills. Both plans went down to defeat, but New York's Democratic Senator Robert Wagner skillfully constructed a compromise agreeable to both Congress and the administration. The Emergency Relief and Construction Act authorized the RFC to loan $300 million to the states for relief programs, and another $1.5 billion to state and local governments and private corporations for public works projects. Some liberals and progressives felt that even this amount was too little, and, in fact, the RFC acted very slowly to disburse the needed funds.[16]

While hobbled by his own philosophy of life and government, Hoover proposed far greater federal action than had any previous president during a depression. This has led historians to speculate whether Hoover was the last of the old presidents or the first of the new; that is, the last of the laissez-faire or the first of the activist, interventionist presidents. Some historians have gone so far as to portray Herbert Hoover as a "Forgotten Progressive," a reform-minded man who, fearful of the rise of a corporate state, proceeded in a correct, if impolitic, way to restore confidence in the economy.[17]

Reading some of these revisionist historians' accounts of Herbert Hoover caused me to scratch my head and wonder if all those millions of people who voted against Herbert Hoover's reelection in 1932 could have been wrong? Was it possible that Hoover was on the right track after all? My anxieties were quickly dispelled when I read in Hoover's memoirs, "Many persons left their jobs for the more profitable one of selling apples." No, Mr. President, anyone who seriously believed that men and women quit their jobs to stand in tattered clothing on street corners to sell apples, simply did not understand the magnitude of the Great Depression. Hoover could not bring himself to recognize that millions of people were honestly and desperately out of work through no fault of their own, but because of a massive failing of the national economic system. They sold apples on the streets out of desperation, not greed. They lived in tarpaper shacks in public parks because they had nowhere else to go. They foraged for food in garbage cans because they were starving. They sought federal relief because states and cities, churches and private relief agencies were overburdened and helpless. No, the voters were correct in 1932. Herbert Hoover did not see things clearly, and the times called for new leadership.[18]

Before moving on to that new leadership, I want to take a few minutes to discuss the

Senate's most memorable response to the depression during the Hoover years. This occurred with the Banking and Currency Committee's investigation of Wall Street—better known as the Pecora investigation. That investigation originally grew out of President Hoover's suspicion that "bear raiders" were worsening the stock market conditions by short selling and other tactics designed to drive stock prices down. The president also imagined that prominent Democrats were behind these bear raids, hoping to undermine his economic recovery plans. Hoover and his conservative supporters in the Senate initially called for the investigation as a means of exposing such tactics. They believed that the publicity would force the stock exchanges to voluntarily reform their rules and practices.

The hearings began in April 1932 but failed to prove the president's suspicions. Democratic financiers were not trying to sabotage the economic system. A few bear raiders admitted that they timed their sales to correspond with Hoover's optimistic speeches on the economy. "Sell 'Em' " Ben Smith, for one, had discovered that public confidence in the president was so low that, whenever Hoover predicted recovery, the market invariably declined. The hearings floundered around at first because of inadequate attention on the part of distracted committee members and woefully inadequate staffing. It seemed as if the Wall Street investigation was about to disappear into history as so many congressional investigations had done. "Nothing is so easy as to start a congressional investigation," a newspaper reporter had commented a few years earlier. "A resolution, a brief but violent speech, a few newspaper interviews—and the game is on." Many investigations died quiet and obscure deaths, often without filing reports and rarely producing any legislative recommendations. But after the election, the Wall Street investigation took a significant turn.[19]

In November 1932, the American public had rejected Herbert Hoover's leadership and elected Franklin D. Roosevelt as president of the United States. In that election, the voters also gave overwhelming control over Congress to the Democrats. My good colleague, Jennings Randolph of West Virginia, was one of them.

After fourteen years of Republican majorities, the Senate now had a 60 to 35 Democratic margin, with 1 Independent. Senator Peter Norbeck, a progressive Republican from South Dakota, was the outgoing chairman of the Banking and Currency Committee, but, because of the long interregnum between elections and the inauguration of a new president and Congress, Norbeck would remain in charge of the investigation until March. It was at this point that Norbeck hired a new chief counsel, a fifty-one-year-old attorney from New York, Ferdinand Pecora. Senator Norbeck assured Pecora that the work of the investigation was largely over and little remained except to draft the final report. But, looking through the committee's files, the fiery little Italian immigrant was frustrated over their lack of conclusive evidence. He persuaded Norbeck to allow him to broaden the inquiry. Significantly, the new hearings opened in February 1933, a week after the governor of Michigan had declared a bank holiday, shutting down the entire banking system in the state. State after state was following Michigan's example in a desperate effort to stave off further bank failures. "For the bewildered thousands of depositors who waited in line to withdraw their savings, if possible," one historian has noted, "the Banking Committee hearings provided a timely financial education." [20]

As his first subject for inquiry, Pecora chose Charles E. Mitchell, the prominent and flamboyant chairman of the National City

Shown during proceedings of the Pecora investigation are, *left to right*, Senator James Couzens, Senator Duncan Fletcher, chairman of the Banking Committee, and Ferdinand Pecora, chief counsel. *Library of Congress*

Bank. Armed with subpoenas, Pecora and his staff went through the bank's records in preparation for the public hearings. Mitchell walked into the Senate Caucus Room on February 21, 1933, surrounded by lawyers and bank officials. He wore the expression of a man who could handle anything dealt to him.

He had testified before two committee counsels a year earlier with no difficulty at all. But under Pecora's questioning, the millionaire Mitchell conceded that he had paid no income taxes in 1929, after selling stock to his wife in an effort to establish a loss. "That sale was really just a sale of convenience to reduce your taxes?" one senator asked. "Yes," Mitchell replied. Pecora was also able to detail the speculative excesses and unethical practices of the National City Company, an investment firm tied to the bank, and how Mitchell and other bank officers had unloaded their own unprofitable stocks onto the bank's customers. The National City exposé made headlines nationwide, leading the new Democratic majority on the committee to decide to extend the investigation into the next Congress. As a result of his testimony, Charles Mitchell was forced to resign as chairman of the National City Bank, and the bank announced that it was severing its ties with the investment company. On March 2, as the Banking Committee recessed for the presidential inauguration, Pecora was conferring with Senator Norbeck in his office in the Senate office building. From the window, they spied Charles Mitchell walking along with stooped shoulders, carrying his suitcases toward Union Station, the retinue of bank officials no longer in sight.

Two days later, the new president, Franklin Roosevelt, proclaimed in his inaugural address that "the money changers have fled from their high seats in the temple of our culture." Indeed, as Charles Mitchell was toppled from his position of eminence, other bankers appeared before the committee to confess to their own participation in the shocking financial excesses of the 1920's. Throughout 1933 and early 1934, Pecora called one banker and investment counselor after another. Even the mighty J. P. Morgan sat in the witness chair in the Caucus Room. Pecora's investigation was an object lesson to all other would-be congressional investigators: do your homework, prepare thoroughly, absorb yourself in the documentation. And I would immodestly add: listen carefully to what the witness says in his answers to your questions.

By the time it had concluded its inquiry, the Banking Committee saw the fruits of its labor written into law. The Securities Act of 1933, the Banking Act of 1933, and the Securities Exchange Act of 1934 all grew directly out of Pecora's revelations. In contrast to President Hoover's more limited objectives, the investigation resulted in the establishment of regular federal supervision of the sale of stocks and the operation of the stock exchanges. Now on the law books were mechanisms to prevent the draining of legitimate investments into fly-by-night operations and to avoid a repeat of the causes and economic results of the great stock market crash of 1929.[21]

Mr. President, let me now turn to a period which gives me, as a Democrat, great pride to recount, and that is the first Hundred Days of Franklin D. Roosevelt and the New Deal. The first Hundred Days were not, as some commentators have erroneously suggested, the first hundred days of the Roosevelt administration, but were the length of the first session of the Seventy-third Congress, from March 9, 1933 (five days after Roosevelt took office), until the session's end during the early morning hours of June 16, 1933.

The New Deal's Hundred Days began in an atmosphere of apprehension. The president declared a national bank holiday to shut the doors of every bank in the United States until emergency banking legislation could be drafted. But apprehension was mingled with excitement and exhilaration as members of Congress—particularly those on the recently swollen Democratic side—realized they were participating in a momentous period of American history.

I want to point out again with pride that of the 528 members of Congress who participated in those Hundred Days fifty-one years ago, only one is still serving in Congress, and that is my venerable colleague from the great state of West Virginia, Senator Jennings Randolph, named after William Jennings Bryan.

When the first session of the Seventy-third Congress convened on March 9, 1933, the first order of business before the Senate was the president's Emergency Banking Relief Act. The House passed the bill that day after only thirty-eight minutes of debate, without having even seen a printed copy of its text. The Senate deliberated for the afternoon and then passed the bill by a 73 to 7 margin at seven-thirty in the evening. An hour later, President Roosevelt signed it. The act permitted sound banks to reopen only under licenses from the Treasury Department and gave increased powers to the Federal Reserve Board and the Reconstruc-

West Virginia's Jennings Randolph, *standing center,* participated as a member of the House in Roosevelt's Hundred Days. He later became a United States senator. *U.S. Senate Historical Office*

President Roosevelt and Senator Norris worked together to create the Tennessee Valley Authority.
U.S. Senate Historical Office

tion Finance Corporation to help stabilize the banking system and restore public confidence. Confidence, of course, was the key word, and, on March 12, President Roosevelt made the first of his famous fireside chats over the radio to reassure depositors that their savings were safe, and to prevent a renewed run on the banks. Later, in the Hundred Days, the Glass-Steagall banking bill further strengthened American banks by requiring separation of investment from commercial banking. The Glass-Steagall bill also created the important Federal Deposit Insurance Corporation, which federally guaranteed bank deposits.

So, no more, Mr. President, will a boy sell the *Cincinnati Post,* put seven dollars in the bank at Matoaka, West Virginia, watch the bank go under, and never see his seven dollars again!

For those who claimed that the New Deal rammed its legislative program through Congress, or that Congress simply walked in step behind the president, the Federal Deposit Insurance Corporation provided evidence of the congressional role in shaping the Hundred Days. As we now know, President Roosevelt did not initially see the wisdom of the federally insured deposits, and the initiative for this measure came from Congress, with Senator Arthur Vandenberg and Representative Henry Steagall being chief sponsors of the FDIC. While it was true that Congress looked to the new president for leadership in a great national crisis, it is important to remember that the success of the Hundred Days came from the mutual cooperation of the executive and legislative branches, and their ability to draw from each other's strengths.

One of the major bills to come out of that session was the Muscle Shoals bill, which set up the Tennessee Valley Authority. In earlier remarks, I described how Senator George Norris had persisted during the 1920's in sponsoring legislation for federal development of public power plants on the Tennessee River. Presidents Coolidge and Hoover had vetoed such legislation, but President Roosevelt made known his support. On March 9, 1933, Senator Norris reintroduced his bill. The Senate Majority Leader, Joseph Robinson of Arkansas, asked Norris and other senators if they would refrain from introducing legislation "not having relationship to the present emergency," but Norris countered that his bill did "have something to do with the continuation of employment." And, indeed, Mr. President, Congress passed Norris' bill creating the Tennessee Valley Authority, which President Roosevelt signed on May 18. Over the next fifty years, the TVA's building of hydroelectric plants and programs for flood control and land reclamation radically changed the nature of that region, greatly improving the quality of life for its residents.[22]

The Banking Act and the TVA Act were but two of the important legislative results of that Hundred Days. There was such an array of laws coming out of that session that it is difficult to condense them. There was, for example, the Economy Act, passed by the Senate on March 15 and signed by the president on March 20, which cut federal salaries by up to 15 percent and reorganized certain federal agencies in an effort to reduce federal expenditures. Looking back, this act of orthodox economics, designed to balance the budget and restore confidence, seems out of character for the Roosevelt administration, which later embraced deficit spending as its tool for overcoming the depression. But enactment of the Economy Act symbolized the pragmatic and experimental nature of the New Deal; it tried orthodox measures, and when they failed, it did not hesitate to try unorthodox approaches. Also in March of 1933, came the Civilian Conservation Corps Reforestation Relief Act. We remember the CCC in West Virginia. We remember it as a wonderfully imaginative program that gave employment to 250,000 young men across the nation, putting them to work planting trees, halting soil erosion, building roads, and doing other useful tasks. It was in March 1933 that Roosevelt signed the bill sending the Twenty-first Amendment to the states for ratification, to repeal Prohibition; and in December, when ratification was completed, the "noble experiment" of the Roaring Twenties came to an end.

In May, came another burst of significant legislation. In addition to the TVA, there was the Federal Emergency Relief Act, which appropriated $500 million in matching funds to state and local governments to establish work relief programs, putting the unemployed back to work. Roosevelt appointed Harry Hopkins to head the FERA, and, even before he had an office, Hopkins moved a desk into a hallway and began distributing work relief funds. On the same day that Roosevelt signed the FERA, he also signed the Agricultural Adjustment Act, designed to help farmers by eliminating surplus crops and establishing parity prices for farm commodities. There was also the Federal Securities Act, which I mentioned earlier, requiring full disclosure of stock information to investors.

In June, Congress passed a joint resolution abandoning the gold standard, a move to stimulate prices. Following on its heels came the National Employment System Act, establishing the United States Employment

Service. The Home Owners Refinancing Act created the Home Owners Loan Corporation, to refinance home mortgage debts. The Glass-Steagall Banking Act established federal deposit insurance. The Farm Credit Act aided the refinancing of farm mortgages. The Emergency Railroad Transportation Act promoted financial reorganization of the railroads.

Finally, the crown jewel of the Hundred Days was the National Industrial Recovery Act, which the president signed on June 16 at the end of that spectacular first session. This act established the famous National Recovery Administration, or NRA, with its blue eagle symbol and its slogan We Do Our Part. The NRA sponsored industry-wide boards to establish fair competition codes. Business and labor sat at common tables to work out arrangements designed to raise and stabilize prices and wages. The system was based on industrial self-regulation and gave industries which cooperated some relief from antitrust restrictions.

In return, they agreed to recognize labor's right to organize. Ultimately, the NRA did not work as well as it was intended, and eventually the Supreme Court ruled that Congress had unconstitutionally delegated too much of its authority to the NRA. But it is important not to forget the tremendous national morale boost that the NRA initially produced, how people marched in the streets under its banners, and how it contributed to the restoration of public confidence. "The only thing we have to fear, is fear itself," Franklin Roosevelt had proclaimed. That message was not all that different from Herbert Hoover's optimistic prediction. The difference was that the people believed Roosevelt.[23]

Mr. President, I began this address with an extended discussion of Herbert Hoover, trying to give him due credit as a remarkable man and a talented administrator and trying to understand why he failed as president. Franklin Roosevelt was a very different man and president. Born into a wealthy family, he enjoyed great privilege in life by contrast to Hoover, an orphan boy. The turning point in Roosevelt's life, however, occurred in 1921, when he contracted paralytic polio. People who lived through the Roosevelt years really had no idea how severely handicapped the president was, that he was unable to walk without heavy braces, that he was confined to a wheelchair, and that he needed to be carried up steps. Roosevelt's ebullient spirit covered his affliction. He was a man supremely confident in his own abilities, who radiated his confidence to others. Franklin Roosevelt, who needed physical assistance to move about, understood that giving assistance to those in need would not necessarily rob them of their initiative and their spirit. Giving jobs to the unemployed, protecting the bank depositor, helping farmers not to lose their land, and saving homes from foreclosure were, to him, the simple, rational response to a great national economic catastrophe. He never shared Hoover's fears and, therefore, he was free to act and to experiment. That is what made the New Deal such a popular success and won Franklin Roosevelt an unprecedented four elections to the presidency.

FDR has largely stolen the attention of historians and political scientists away from the men, activities, and contributions of Congress during that era. Roosevelt's Brain Trust and other young advisors were gifted and creative originators and drafters of legislation, and the president dealt closely with his party leaders in both houses, making himself open and accessible. But his program also benefited from the support and leadership of some highly capable committee chairmen. In the Senate, the two money committees, so critical for shaping any legislative package, were in the hands of shrewd

Among the most influential senators of the New Deal era were, *left to right*, George Norris of Nebraska, Robert La Follette, Jr. of Wisconsin, and Pat Harrison of Mississippi. *U.S. Senate Historical Office*

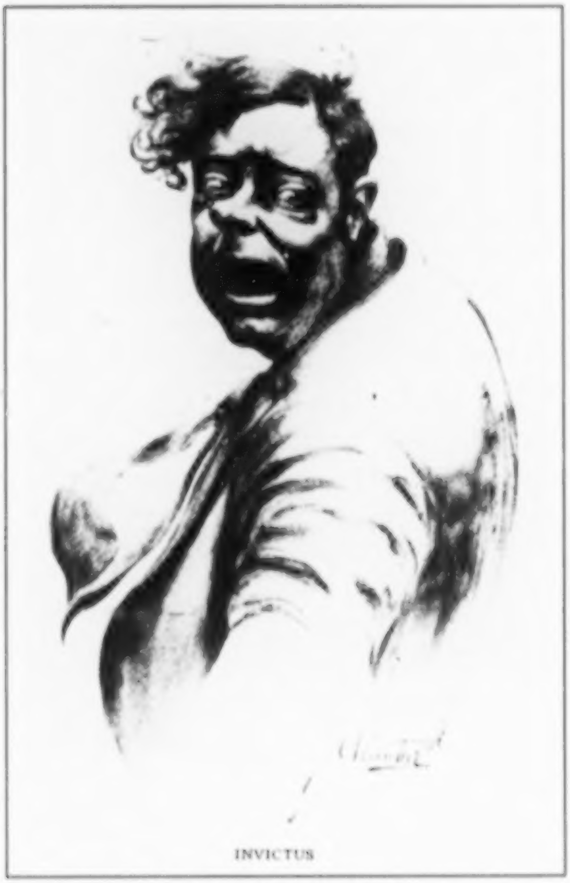
southerners. Pat Harrison of Mississippi chaired the Finance Committee, while Carter Glass of Virginia chaired Appropriations. Both were essentially conservative men but were willing to work with the new president and to support his liberal programs. "I am a good Democrat and I go through," Harrison explained.[24] The silverite, Senator Key Pittman of Nevada, chaired Foreign Relations; the eloquent Henry Fountain Ashurst was chairman of the Judiciary Committee; the progressive C.C. Dill of Washington headed Interstate Commerce, which would handle much of the regulatory legislation. Other legislative strategists included James Byrnes of South Carolina, Kenneth McKellar of Tennessee, Robert Wagner of New York, and Hugo Black of Alabama. The western progressive Republicans who had played such an influential role in promoting reform during the 1920's—men like William Borah and Hiram Johnson—went into eclipse during the 1930's. For one, they were no longer committee chairmen and, more importantly, they could not adjust to the experimental nature of the New Deal. They were men more attuned to the Republican Roosevelt, Teddy, than to his distant cousin, Franklin. With the exception of Senator Norris and "Young Bob" La Follette, they became severe critics of the New Deal and, in later years, they broke with Roosevelt entirely over foreign policy—which will be the subject of a later address in this series.[25]

Democratic leadership was ably provided by Joe T. Robinson, who sat at this desk. I see his name inside the desk. Senator Robinson was, by all descriptions, a commanding figure with a "terrifying, open-air voice." He seemed to be able to shake the Senate chamber when he spoke. Robinson sat on the Senate floor every afternoon, waiting, cajoling, counseling, not saying a great deal, but, with his presence, making sure that people got on with their business. He had a "Scotch temper," we are told, and would brook almost no opposition. The one senator who rankled Robinson the most was the irrepressible Huey Pierce Long of Louisiana. Senator Long—father of our own Russell Long, the distinguished senior senator from Louisiana—was perhaps the most colorful and iconoclastic member of the Senate in the 1930's. Darrell St. Claire, who for many years was assistant secretary of the Senate, came to work for Senator Carl Hayden of Arizona during the Hundred Days in 1933. Many of us knew Darrell St. Claire. He recalled seeing Senator Robinson completely lose his temper with Huey Long during one Senate debate. "I can see Joe Robinson now going all the way down that empty row to Long, talking at the top of his voice . . . and putting his fist under Long's face as he stood over him." As St. Claire described it, "Robinson was shaking his fist under Long's chin, roaring out his words. Long, seated, looked meanwhile at the ceiling as if he heard nothing, as if he had no idea anyone was anywhere around." St. Claire found Huey Long "probably one of the most extraordinary minds that was ever on the floor. A man who could speak on anything after a minimum of preparation, because he had an extraordinarily receptive and retentive mind."

Huey Long could speak to the horizon, and you could hear him anywhere in the chamber. He spoke rapidly, using what I would say was the vernacular of the South, but in perfect grammatical form. Huey Long was a master at using humor and sarcasm in debate, and, when he spoke, the presiding officer frequently had to quiet the galleries which were roaring with laughter. In those days, the walls of the Senate chamber had decorative recesses, which were subsequently enclosed for acoustical purposes; but Senator Long would keep a Biblical concordance and a Shakespearean concordance in the recess by his desk, and, in the midst of debate, he would whip out a volume and throw an appropriate Biblical or Shakespearean quote into the fray. It was Senator Long, in fact, who gave the Senate reporters of debate the reference Bible that they use to this day, so they could double check his quotations.

The only senator who could match Huey Long in color and debate style was J. Hamilton Lewis, the first party whip. There is a fine portrait of Senator Lewis hanging in the corridor just outside this chamber, but it does not do complete justice to his sartorial splendor, his pink whiskers, and his toupees—which he was reported to have changed daily. "Very few could ever understand what J. Hamilton Lewis was talking about anyway," Darrell St. Claire recalled. "He was a man who just kept talking, quietly, rather disconnectedly, because I think he felt that if he kept on saying something people would think he was saying something, when in actual fact, all he was doing was reaching for words. Long found him to be quite a delight, because Ham would stand up and point to Long with his gloved fingers and lecture the Senator from Louisiana on his manners." [26]

Senator Long was also largely responsible for the presence of a woman senator in this chamber during the New Deal, and that was Hattie Caraway, who was appointed to succeed her late husband Thaddeus Caraway in 1931. When she filed to run for reelection in 1932, no one gave her a chance to win. They assumed she would serve only for a year to



"Huey Long could speak to the horizon."
Cléanthe / My First Days in the White House

keep the seat warm until a male was elected. But Huey Long decided to campaign for Mrs. Caraway, crossing the border from his own state of Louisiana into Joe T. Robinson's Arkansas and canvassing the entire state. Many political observers interpreted Long's campaign as a sign of his national ambitions and as a warning to powerful Senator Robinson to take him seriously. With Huey Long's support, Mrs. Caraway became the first woman elected to a full six-year term in the Senate. Historians sometimes assume that she could not have won without Long's support, but it is interesting to note that, after Long's death in 1935, Mrs. Caraway went on to win renomination and election in 1938, defeating the late John L. McClellan in the Democratic primary. She was finally defeated for renomination in 1944 by the young J. William Fulbright.[27]

Senator Long wrote two books that I would commend to my colleagues. His memoirs, *Every Man a King,* told his life and philosophy. A second book, *My First Days in the White House,* rather candidly told of his national ambitions; and it is, as Huey Long described himself, unique. In his humorous style, Senator Long outlined what he would do as president, including the naming of his cabinet, and his intention of appointing Franklin Roosevelt as secretary of the navy. There were, indeed, many indications that Senator Long planned a presidential campaign, perhaps as an independent, in 1936 or 1940. That was never to be, however; for, in September 1935, the senator was assassinated in the state capitol building in Baton Rouge, Louisiana. His memory has been preserved since then in novels, poetry, stage plays, motion pictures, and in a monumental biography, *Huey Long,* by the late Professor T. Harry Williams.[28]

I have spent considerable time on Senator Long who, as a junior senator, did not chair a committee and was not in a position to significantly shape legislation, but who, in fact, exerted considerable influence on the New Deal's legislative program between 1933 and 1935, and I shall have more to say of him in a later address. The threat of Long's candidacy against Franklin Roosevelt, combined with the pressure from other popular leaders with radical solutions—men like Dr. Francis Townsend, who proposed an old-age pension scheme; Father Charles Coughlin, the popular radio priest; Milo Reno, the farm protest leader; and even those from the Socialist and Communist parties, whose ranks were growing in response to the economic crisis—forced Democratic leaders constantly to reassess their programs. While there was a "New Deal Boom" in 1933, improving economic conditions, the nation was still locked in a terrible depression and millions of people were still out of work.

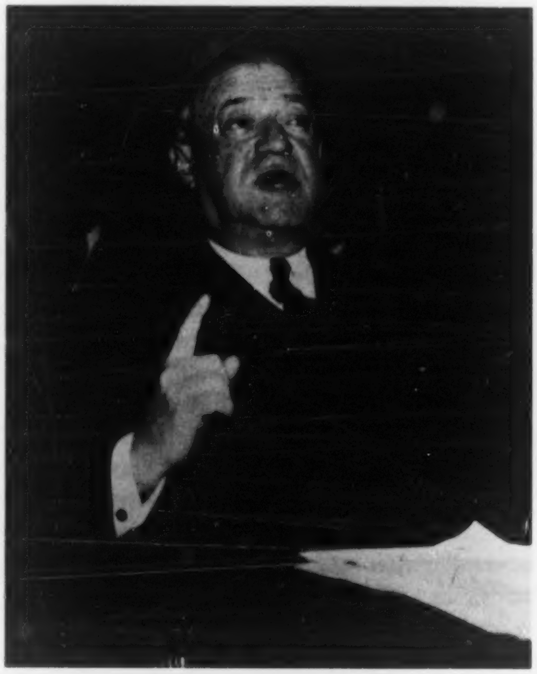
In February 1934—the year in which I graduated from Mark Twain High School, Stotesbury, West Virginia—Congress enacted the Civil Works Emergency Relief Act, authorizing an additional billion dollars to the FERA for civil works projects to put people back to work. Nineteen thirty-four also saw the passage of the Farm Mortgage Refinancing Act, the Crop Loan Act, the Cotton Control Act, the Municipal Bankruptcy Act and Corporate Bankruptcy Act, and the creation of the Securities and Exchange Commission, the Federal Communications Commission, the Export Import Bank, and the Federal Housing Administration. The congressional elections that year served as a ratification of the early New Deal. Usually, in the midterm elections the incumbent party loses seats in Congress, but, in 1934, the Democrats gained nine seats in the Senate and nine seats in the House.

In 1934 and 1935, the Congress convened on January 3, as set by the new Twentieth Amendment to the Constitution sponsored by Senator Norris. No longer would a new Congress need to wait a year between its election and its first meeting. No longer would lame-duck members remain in office so long after their defeat. No longer would four-month interregnums exist between the election and inauguration of a president. On January 4, 1935, President Roosevelt appeared in person to deliver his State of the Union message. "The outlines of the new economic order, rising from the disintegration of the old, are apparent," he proclaimed. "We test what we have done as our measures take root in the living texture of life. We see where we have built wisely and where we can do still better."

President Roosevelt proposed a threefold plan of action: that the federal government should ensure "the security of a livelihood through the better use of the national resources of the land in which we live . . . the security against the major hazards and vicissitudes of life"; and "the security of decent homes." Although not completely spelled out at that time, these became the heart of what some historians call the second Hundred Days of the second New Deal. [29]

The first action of this new program was the Emergency Relief Appropriation Act, which the president signed on April 8. We remember this act for its creation of the Works Progress Administration, or WPA, under the talented leadership of Harry Hopkins. Here was the creation of federal works programs to put literally millions of Americans to work, constructing highways, building courthouses and libraries, building airports, repairing and landscaping parks. The sidewalks of many a town in my home state of West Virginia still carry the initials WPA inscribed in the concrete at the corners, reminding us of the program that built those sidewalks.

But the unemployed who found employment through the WPA were not all construction workers and heavy laborers. The WPA recognized that artists, musicians, actors, and writers were also suffering mightily during the depression. Even today, one can walk into many federal buildings or a local school or a courthouse and find a magnificent mural painted by WPA artists. From a high school library in the Bronx to Coit Tower on Telegraph Hill in San Francisco, these murals are a reminder of this imaginative program. Many Americans saw their first stage play or heard their first opera or symphony from a traveling WPA theater program. As Professor William Leuchtenburg has written of the WPA, "It restored the Dock Street Theater in Charleston, South



Senator Robert Wagner shown as he testified in favor of the Social Security bill. *Library of Congress*

Carolina; erected a magnificent ski lodge atop Oregon's Mount Hood; conducted art classes for the insane in a Cincinnati hospital; drew a Braille map for the blind at Watertown, Massachusetts; and ran a packhorse library in the Kentucky hills." Writers turned out guidebooks to cities and states and conducted some of our first oral history projects, including an important series of interviews with elderly people who had been born slaves and who gave us our final firsthand account of that "peculiar institution." Those who disparaged the WPA as a boondoggle, filled with leaf-rakers and shovelleaners, ignored its imagination and vitality and its positive contributions to the rebuilding of the human spirit of the unemployed during the depression.[30]

May 1935 was a critical month for the New Deal. Congress continued to produce important legislation: the Rural Electrification Administration was created, and the Resettlement Act was passed, setting up the Resettlement Administration to help farm families and to construct new towns to house workers—the town of Greenbelt, Maryland, just outside Washington is one of those communities. But on May 27, the New Deal received a major body blow from the United States Supreme Court, which unanimously ruled the National Recovery Administration Act unconstitutional. It was clear to many observers that the NRA was not doing its part; that it had overextended itself and could not police all of its codes; that large businesses were using the codes to squeeze small businesses out of the market; and that they were not all honoring their pledge to recognize labor's right to organize. Still, the NRA and its blue eagle had been an important symbol of the New Deal's recovery effort, and its demise left a gaping hole in the president's program that needed to be filled.

So, it was at this point that the New Deal took a very significant turn, and the senator who played the largest role in that development was Robert Ferdinand Wagner of New York. When we speak of influential senators in the twentieth century, Robert Wagner must be numbered among them. Born in Germany, he immigrated to the United States at the age of nine with his family. His father was a janitor in a New York tenement where the Wagner family lived in the basement. His mother took in laundry, and young Robert Wagner got his start as a newsboy. His brothers saved enough to send him to the City College of New York and to New York Law School.

In 1898, Wagner began his long association with New York's Tammany Hall, which, in 1904, launched his political career with an election to the New York state assembly. As a state legislator, Wagner chaired a special investigating commission to inquire into factory safety after the infamous

Triangle Shirtwaist Company fire, in which 146 women workers died. This was a sobering experience for Wagner and the commission's cochairman, Alfred E. Smith, which led them to sponsor some sixty bills in the New York state legislature for more humane working conditions. Fifty-six of the Wagner-Smith bills became law. Al Smith went on to become governor of New York and a presidential candidate; Robert Wagner was elected to the state supreme court and, in 1926, to the United States Senate.[31]

In the Senate, Robert Wagner was consistently rated as one of the hardest working members. He was an immaculate dresser, with his Phi Beta Kappa key dangling from a watch chain; he smoked cigars; and he retained some of his "Tammany East Side" diction. As his biographer, J. Joseph Huthmacher, wrote, "He lacked the flair of showmanship that friends like Al Smith, and senatorial colleagues like Huey Long and J. Hamilton Lewis, possessed to a consummate degree." He never played to the galleries. He seemed self-consciously shy. Senator Henry F. Ashurst recalled how Wagner would blush if he mispronounced a word in a debate. A senator was more likely to find Wagner in the cloakroom or the committee room than on the Senate floor. Nevertheless, he was a supreme legislative craftsman. Simon Rifkind, Wagner's secretary, recalled the senator's transformation when he had an important bill pending. He was "like a great actor who has absorbed a role"; ~~he would~~ become unusually sociable with his senatorial colleagues; he would employ every technique to win the friendship, good will, and support of his fellow senators. As a result, he was speedily accepted into the Senate's inner club: the senior members, who, in those days, controlled what happened in this body.[32]

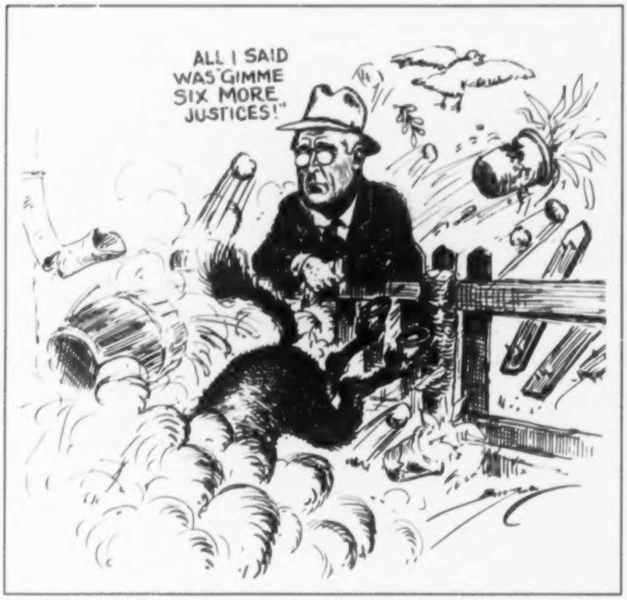
Senator Wagner was a man with a vision of what the government could and should do. "The Democratic party can well afford to plead guilty to the charge . . . that we are dreamers," he once said. "If a government or a people is to progress, its goal must ever be a little beyond its reach." In 1935, Senator Wagner shepherded through Congress two of the most important bills ever passed during the New Deal. The first was the Social Security Act, drafted in Secretary of Labor Frances Perkins' office, which set up a national old-age pension system and provided federal grants-in-aid to states to assist dependent mothers and children. Interestingly, in light of the recent bailout efforts for Social Security, the drafters of the measure were aware that Social Security taxes would not cover all expenses, and they proposed that the deficit in the fund should be paid by federal contributions directly from the general tax revenues. A more conservative faction in the administration, led by Treasury Secretary Henry Morgenthau, Jr., insisted that the Social Security system be put on a self-supporting basis. Reluctantly, Senator Wagner supported this position in order to win passage of the bill.

On the second measure, however, Wagner pressed ahead despite some administration reluctance. This was the National Labor Relations Act, better known as the Wagner Act, which created the National Labor Relations Board. This bill was designed to replace section 7(a) of the NRA, by which business recognized labor's right to organize collectively. The president, according to Frances Perkins, "never lifted a finger" for the Labor Relations Act. Instead, Roosevelt adopted a neutral stance. As Professor Huthmacher has written: "Rejecting the advice of some top Democratic leaders in Congress, the Chief Executive gave Wagner a green light in order to see how far he could get, on his own, with his pet bill. The outcome astonished the President perhaps as much as it did anyone else." After ushering the bill through committee and defending it in the national press, Senator Wagner beat back a series of crippling amendments drafted by the National Association of Manufacturers, and saw the passage of his bill by a margin of 63 to 12 on May 16, 1935. Professor William Leuchtenburg has termed the Wagner Act "one of the most drastic legislative innovations of the decade." It changed the face of labor-management relations. As we know, the Wagner Act permitted the NLRB to hold elections in which workers could vote to join or not to join a union. Passage of this bill provided a tremendous boost to the American labor movement and contributed to the rise of the Congress of Industrial Organizations, or CIO, which began organizing the masses of unskilled and semiskilled workers who had long been ignored by the American Federation of Labor, or AFL. The Wagner Act, as its author proclaimed, aimed to protect workers "caught in the labyrinth of modern industrialism and dwarfed by the size of corporate enterprise," to keep them from becoming the mere "playthings of fate."[33]

For every action, there is a reaction, and the reaction to the New Deal was loud and severe. Conservative businessmen and politicians joined together in a Liberty League to oppose Franklin Roosevelt and such New Deal measures as Social Security and the Wagner Act. Roosevelt was vilified in the conservative press. His opponents decried him as a dictator. Two well-known cartoons of the 1930's captured the spirit of these attacks. In one, a little girl is calling "Mother, Wilfred wrote a bad word!" And, on the sidewalk, her brother is seen writing, "ROOSEVELT." In the other, a group of fashionably dressed people are seen outside the window of an obviously expensive home. "Let's all go down to the Trans-Lux to hiss Roosevelt in the newsreels," they propose. The anti-Roosevelt barrage was so intense that two historians have written a book about it aptly titled *All But The People.* The anti-Roosevelt groups had "all but the people" behind them. In 1936, the *Literary Digest* predicted a landslide for the Republican candidate, Governor Alfred M. Landon of Kansas, father of our colleague, the distinguished junior senator from Kansas, Nancy Kassebaum. But when the votes were tallied, Roosevelt had won with over 60 percent of the vote. His broad coattails carried Democrats into office seemingly by the truckload. The Senate in the Seventy-fifth Congress contained 76 Democrats and only 16 Republicans, with 4 Farmer-Laborites and Progressives.

There were so many Democrats in the Senate that junior members had to be seated on the Republican side of the aisle. In the House, the Democrats enjoyed a 331 to 89 margin.[34]

Mr. President, it is a strange fact of political life that too great a victory can be a detriment. Landslides can cause political leaders to lose perspective, to become arrogant, to consider themselves invincible, to let down their guard, and lose their protective sense of caution. Certainly, this was true of Franklin Roosevelt in 1937. In the moment of his greatest electoral victory, the president allowed himself to make a terrible political blunder. With the executive and legislative branch locked solidly in Democratic control, the president turned his focus to the judiciary and specifically to the Supreme Court. During his first term in office, he had made no appointments to the Supreme Court. A majority of its members were conservative Republicans, presided over by Chief Justice Charles Evans Hughes, the Republican presidential candidate in 1916. Roosevelt feared that the Court would invalidate key elements of the New Deal, such as Social Security and the Wagner Act, as it had ruled unconstitutional the National Recovery Act and the first Agricultural Adjustment Act.


ALL I SAID WAS "GIMME SIX MORE JUSTICES!"

The Democratic majority in the Senate rebelled against President Roosevelt's Supreme Court plan.
Library of Congress

He decided to use his election mandate to reform the Court.

Instead of confronting the Court's obstructionism openly, Roosevelt argued that the justices' advancing age was retarding their work. He proposed a retirement pension system along with the addition of younger blood. By this, Roosevelt meant that, for every justice over the age of seventy, he could add another appointee, until the Supreme Court contained as many as fifteen members. The number of justices of the Supreme Court, by the way, is not set by the Constitution but by statute, so Roosevelt was completely within his rights to make such a proposal. But what a storm it raised! Critics called it a Supreme Court packing plan that would undermine the independence of the judiciary. "Many Americans were suspicious of any tampering with the court," Professor James Patterson has written. "To these people court and Constitution were almost synonymous." President Roosevelt had not taken members of his party into his confidence while planning his Court-offensive. Party leaders were informed shortly before the public announcement was made. As Vice President John Nance Garner and Senate and House Democratic leaders left the White House to return to the Capitol, they were so stunned they hardly spoke.[35]

The president's Supreme Court plan fired up and revitalized conservatives in Congress and forged a new alliance between conservative Democrats and Republicans. The Senate's tiny band of Republicans, led by Senator Charles McNary, wisely took back seats in the debate and let the two factions of the large Democratic majority fight out this war between themselves. Not only did southern Democrats—such as Harry Byrd, Sr., and Carter Glass of Virginia, and Josiah Bailey of North Carolina—oppose the bill, but they were also joined by such erstwhile progressives as Burton K. Wheeler of Montana. "I am against the President's proposal," said Wheeler, "because it is a sham and a fake liberal proposal. It doesn't accomplish one of the things that the liberals of America have been fighting for. It merely places upon the Supreme Court six political hacks." On the Senate Judiciary Committee, seven Democrats and three Republicans opposed the president's plan, but, despite the committee's adverse decision, the president pressed on. In the meantime, Justice Owen Roberts, the swing vote on many 5 to 4 decisions, had begun casting his vote in favor of New Deal measures, thus reducing some of the urgency of the Court reform. Debate on the plan began on July 6 and was "unprecedentedly bitter." Senator Joe Robinson led Roosevelt's forces, while Senator Wheeler led the opposition.

Whatever chance Roosevelt had of winning, however, evaporated on July 14 when the Senate received news that Senator Robinson had died in his apartment at the Methodist Building just across First Street, overlooking both the Capitol and the Supreme Court. At the urging of President Roosevelt, Vice President Garner sought out Senator Wheeler on the train returning from Robinson's funeral to work out a compromise. Garner told Wheeler to set his own terms, but for "the sake of our party, be reasonable." The end of the Court reform plan came on July 22 when the Senate voted 70 to 20 to recommit the bill to the Judiciary Committee. The revised Judicial Procedure Reform Act that passed the following month changed some procedures of the lower courts but left the Supreme Court untouched.[36]

Some observers say that Roosevelt lost the battle and won the war; that is, he lost on his reform bill but, within the next four years, was able to appoint a majority of the Court's members. But, in the larger sense, Roosevelt suffered a terrible setback as a result of his Court reform plan. He united the opposition in Congress against him in a way they would have been completely incapable of achieving on their own. He helped to forge a conservative alliance that frustrated much of the remainder of his domestic program. Over the next two years, the Congress did pass the Bankhead-Jones Farm Tenant Act setting up the Farm Security Administration to help tenant farmers, sharecroppers, and farm laborers. It passed the second Agricultural Adjustment Act, modifying the AAA that the Supreme Court had struck down. In June 1938, it passed the Fair Labor Standards Act, also known as the Wages and Hours Law. In other administrations, these would be touted as major accomplishments, but, measured against Roosevelt's earlier successes, the pace of the New Deal was clearly slowing down. When Roosevelt called Congress into special session in November 1937, he proposed an ambitious legislative package, but, during the five-week session, the Senate and House failed to enact a single one of his proposals. The Congress handed the president an embarrassing defeat on his executive reorganization plan, with conservative members charging that Roosevelt was seeking dictatorial powers. That plan, to create the Executive Office of the President and enable the president to appoint a handful of special assistants, seems quite modest when we consider the bloated size of the White House staff today; but, back then, Roosevelt's plan appeared ominous.[37]

In the congressional elections of 1938, President Roosevelt decided to "purge" the Democratic party of its conservative leaders by campaigning for their liberal challengers in various Democratic primaries. The president went to Georgia to campaign against Senator Walter George and to Maryland to campaign against Senator Millard Tydings; however, they won, as did other conservatives in the party. That fall, for the first time since 1930, Democrats lost seats in Congress, although they held on to their majorities in both houses. The opposition to Roosevelt's programs in the Seventy-sixth Congress would be even greater.[38]

The record of Roosevelt's second administration did not live up to the high expectations following his landslide reelection in 1936. If domestic matters had been the only concern, Roosevelt's presidency might have ended with his retirement in 1940 after completion of his second term. He would have held a record of unprecedented legislation for both recovery and reform to claim his legacy. The New Deal changed the relationship between individuals and their governments and built a safety net to protect against the hardships of economic recession and depression. When American citizens deposit their savings in a bank, buy a stock, join a union, turn on an electric light switch, or receive a Social Security check in the mail, they are still being influenced by New Deal programs. For all this, even if Franklin Roosevelt had retired in 1940, he would still be remembered kindly by history.

Roosevelt, however, was not ready for retirement, and his story was not yet over. Foreign, not domestic, policies dominated the headlines. Roosevelt's critics may have tried to paint him as a dictator, but overseas there were real dictators who threatened world peace, and the American public was able to tell the difference. The United States became locked in a great national debate over whether to stick to its neutrality once Europe plunged into another world war, or to support the allies in their struggle against Hitler and Nazism. Mr. President, this was such a great and dramatic story, in which the United States Senate stood at the very center of the debate, that I shall save it for now and make it the subject of my next address in my series on the history of the Senate.

CHAPTER 25

The Great Debate Over Foreign Policy 1919–1941

July 27, 1984

Mr. President, marines landing in the Caribbean and Central America . . . United States opposition to Sandinistas in Nicaragua . . . a presidential representative sent to mediate between opposing forces in Central America . . . a United States senator standing in this chamber and denouncing attempts to "browbeat and whip a little country like Nicaragua."[1] It all sounds very familiar; however, I am not talking about recent events but about a debate which took place in the Senate some sixty years ago. Reviewing these events and their similarity to our times, I am reminded of the inscription on the National Archives Building: What is Past is Prologue.

It has been a recurring theme of my addresses on the history of the United States Senate that we must become aware of our past in order to understand and deal with the present and plan for the future. This seems particularly true when dealing with foreign policy. Today, I shall examine the Senate's role in foreign policy between the two world wars, from the defeat of the Treaty of Versailles in 1919 to the declarations of war against Japan, Germany, and Italy in 1941. There occurred during these years a "great debate," not only in the Senate but also in the nation as a whole. On one side, stood the Wilsonian internationalists—Democrats and moderate Republicans largely from the South and Northeast, who believed the United States had responsibilities as a world leader that it could not shirk, and that the best way to exercise those responsibilities to ensure world peace was by cooperating through international organizations. In opposition, stood the isolationists, who recalled George Washington's warning against entangling alliances and who believed that multilateral ventures might jeopardize the nation's security and independence.

As events unfurled, the isolationists lost the great debate. The surprise attack on Pearl Harbor and American entry into the war discredited their position. In short order, most of the isolationists either left the Senate, through death, defeat, and retirement, or they converted to internationalism. It would not be for another generation, until the Vietnam War, that people would begin to reexamine the isolationists and find at least a little merit in their concerns. Some scholars have suggested that even the terms "isolationist" and "interventionist" are misleading, and have suggested "unilateralist" and "multilateralist" as alternatives.[2]

For most of the two decades between the world wars, isolationism prevailed. Isolationists were particularly strong in the United States Senate, where they numbered among their ranks William E. Borah, chairman of the Foreign Relations Committee, Hiram Johnson, Burton K. Wheeler, George Norris, Robert M. La Follette (senior and junior), Arthur Vandenberg, and Robert Taft. Most were Republicans representing midwestern and far-western states. From 1919 to 1932, when the Republicans were in the majority, these isolationists held important committee chairmanships. After 1933, when the Democrats took control of the Senate, the isolationists lost their power base but remained influential in the national debate over foreign policy.

The Senate's rejection of the Treaty of Versailles in 1919 ranked among the most momentous events in the history of this institution. In an earlier address, I spoke of the political forces and reasons behind the treaty's defeat. Today, I will be discussing the period of retreat and disillusionment that followed it. The election of 1920 had placed a United States senator, Warren G. Harding of Ohio, in the White House. Harding had conducted his campaign so ambiguously that it was possible for both supporters and opponents of the League of Nations to vote for him, contributing to his landslide victory. But, in fact, Harding's election meant the final rejection of American participation in the League. Even presidential support for United States membership in the World Court came to nothing. After the war, the United States slipped into a mood of self-centered isolationism. The nation erected high-tariff walls around itself and held its struggling allies accountable for paying their war debts. Such economic nationalism was extremely shortsighted at a time when the United States had become the leading commercial and financial nation, industrial producer, exporter and importer, and creditor in the world—and it would prove self-defeating as well.

As president, Warren Harding expected to maintain strong ties with his former colleagues in Congress. But Harding, too, like Woodrow Wilson, found that Congress had a mind of its own when it came to foreign policy. As early as December 1920, before Harding's inauguration, Senator William Borah, third ranking Republican on the Foreign Relations Committee, introduced a resolution calling on the president to invite Great Britain and Japan to a conference on reducing their naval building programs. As Professor LeRoy Ashby has written in his study of Borah, *The Spearless Leader*, the senator masterfully struck a major chord of public opinion. "His disarmament suggestion appealed strongly to the traditional American distrust of military establishments, the desire for peace, and the perennial concern for lower taxes."[3] Some said that Borah's action was merely a publicity ploy to divert public blame for world affairs from the isolationists, and that he never believed Britain, France, and Japan would accept the invitation. But popular support and newspaper approval forced the Harding administration into taking up the proposal, and Britain and Japan agreed to meet in Washington to negotiate naval disarmament. At the Washington Naval Conference, held between November 1921 and February 1922, Senators Henry Cabot Lodge of Massachusetts and Oscar W. Underwood of Alabama served as delegates—in contrast to President Wilson's failure to include members of Congress in the Versailles delegation; however, Senator Borah was noticeably absent.

Harding's inclusion of senators in the negotiations proved a wise move, since he needed all the help he could get to win treaty approval in the Senate. The isolationists denounced the four-power treaty of 1921 between the United States, England, France, and Japan as an alliance that committed the United States to Japanese aggression in the Far East. Senator A. Owsley Stanley of Kentucky labeled it a "baby" League of Nations. Senator Borah also cited similarities between the four-power treaty of the Washington conference and the rejected Treaty of Versailles. Speaking for the Harding administration, Senator Lodge denied that any entanglements were involved with the new pact. Democratic senators criticized the secrecy behind much of the negotiations, and Senator Gilbert Hitchcock introduced a resolution calling on the president to furnish the Senate with copies of all proceedings, records, negotiations, arguments, debates, discussions, and conversations among representatives of the four nations.[4] Approval of ratification was given by the Senate easily, 67 to 27, with Senator Borah in the minority opposing it. The Washington Naval Conference produced mixed results. It limited the production of large warships but allowed an arms race to continue in submarines, destroyers, and cruisers. It called for the status quo in the Far East, with each nation recognizing the others' territories there, but it left Japan in a position to threaten China. Nevertheless, the conference and the treaty were remarkable events which brought the United States back into the international scene just two years after the Senate had rejected the Treaty of Versailles.

Mr. President, it is only fitting at this point that I talk about a truly notable member of the United States Senate, William E. Borah of Idaho. He served as a senator from 1907 until his death in 1940; and, even today, his firm, jutting jaw, lion-like mane, and resolute stance can be observed in his statue which stands in the corridor just outside this chamber. William E. Borah was born in 1865, in southern Illinois, into a large German-American family. We are told that his father was a stern Presbyterian who ruled over his family with a firm hand, and that young Borah experienced an unhappy childhood. Briefly, he attended the Southern Illinois Academy in preparation for the ministry but, after discovering that that was not his vocation, he dropped out and joined a traveling Shakespearean company as an actor! His training in Shakespeare became evident years later when he spoke here on the Senate floor. But an actor's life was not to be Borah's, and his irate father caught up with the troop and dragged his son home. Young Borah then went to live with his sister in Kansas, where he completed high school and enrolled in the University of Kansas. His classmates recalled him as a loner with few intimate friends. A bout with tuberculosis forced Borah to leave the university, and he turned his attention to reading law in an attorney's office. Admitted to the bar in 1887, Borah decided there was not much future for a young lawyer in then economically depressed Kansas. He boarded a train for a new life in Seattle, but he was so short of funds that he made it only as far as Boise, Idaho. There he stayed, and there he built his career.

William Borah excelled as a criminal lawyer, often handling cases as a special prosecutor for the local district attorney. In 1897, as Professor William Leuchtenburg has noted, Borah "secured the conviction of 'Diamondfield Jack' Davis, a gunman for a cattle company, for the murder of two sheep herders, one of the milestones in the attempt to bring order out of the bloody range wars

Senator William E. Borah had "a positive genius for newspaper publicity." *U.S. Senate Historical Office*

of the West." His fame in the courtroom led to his entry into politics, and, by 1902, he was the recognized leader of the progressive wing of the Republican party in Idaho. His election to the Senate seemed certain in 1903, but his opponents allegedly purchased enough votes in the state legislature to defeat him. Finally, in January 1907, the state legislature elected him to the United States Senate.

He almost did not make it to the Senate, however, for he was indicted for defrauding the government of timber lands in Idaho during a period when he served as counsel to a lumber company. The charges, however, had clearly been trumped up by Borah's political enemies, and he was promptly acquitted. The notoriety helped Borah escape the obscurity that was then the lot of most freshmen senators, and his tremendous eloquence also lifted him head and shoulders above his colleagues.[5]

Mary Borah, the senator's wife, was sitting in the Senate gallery on the day in 1908 when her husband rose to deliver his maiden address. "The day he was to speak I arrived at the Senate early in the morning and sat on the front row," she recalled.

> Finally the "morning business" was finished and I saw Billy push back his chair to rise. But a Senator with a white beard was ahead of him and was given the floor. The Senator was known for being long winded. To my surprise, after reading a letter from a constituent, he sat down. Billy rose. He stood there quietly for a while studying his audience. He began to talk in a low but easily audible voice, and then with gathering confidence. His colleagues looked at him curiously. Probably they were sizing him up. Usually when a Senator speaks the other members thumb through the papers on their desks, or write, or study, or talk to each other in undertones. . . . But all the time he was marshalling his facts—as methodically as if presenting a case to a jury—they continued to listen. Then the galleries began to fill. By the time he was ready to draw his conclusions he was speaking to a crowded house, absolutely silent.

When he had finished, and fellow senators crowded around to congratulate him, Mrs. Borah slipped away in the crowd. "It would be easier when we were alone to tell him how proud I'd been," she said.[6]

Borah's influence in the Senate was felt from the start. While still a freshman, he became chairman of the Education and Labor Committee, where he sponsored bills to create the Department of Labor and the Children's Bureau. He was also a leader in the fight to amend the Constitution to allow federal income taxes and, as I have noted in an earlier address, direct election of senators. But it was the field of foreign policy with which Borah's name became most commonly associated. An intense nationalist, he stood among the chief opponents of Woodrow Wilson's internationalist program, and he joined Senator Henry Cabot Lodge as an irreconcilable against the Versailles treaty and League of Nations. When Senator Lodge died in 1924, Borah succeeded him as chairman of the Foreign Relations Committee, a post which he held until the Democrats took control of the committee in 1933.

It seemed impossible to pick up a newspaper in the 1920's without reading a Borah pronouncement on some aspect of American policy. Herbert Hoover credited Borah with "a positive genius for newspaper publicity." Borah's practice of holding regular press conferences caused President Coolidge to comment that "Senator Borah is always in session." Reporters would congregate at his office about 3:00 o'clock each afternoon. Twenty or more journalists might crowd around his desk for a relaxed and informal discourse on a wide range of topics. At these sessions, they could not quote him directly, but Borah's staff would frequently hand out his prepared statements on a particular subject. His press relations were the envy of other senators, and a source of exasperation for his political opponents. As one Massachusetts newspaper complained in 1930, "Borah this and Borah that, Borah here and there, Borah does and Borah doesn't—until you wish that Borah wasn't." [7]

Several American presidents might also have wished that "Borah wasn't," as the wily senator frustrated their proposals. After Calvin Coolidge became president in 1923, he proposed United States membership in the World Court. It was hard to make an argument that participation in the court would lead to entangling alliances or impinge on the nation's independence. But the hard-core isolationists adamantly opposed the plan and did their best to sabotage it. Both political parties endorsed the World Court in their platforms in 1924, and the House passed a resolution favoring membership by the overwhelming vote of 303 to 28. Nevertheless, Senator Borah was not to be deterred. As chairman of the Foreign Relations Committee, Borah delayed the debate and attached five reservations to American participation. In January 1926, the Senate adopted the World Court proposal, with Borah's reservations, by a 76 to 17 margin. The League of Nations, however, would accept only four of the five reservations, and President Coolidge declared the American conditions rejected. The twenty-one member nations on the court informed Coolidge that they were willing to negotiate. For his part, the president was unwilling to take on a leadership role. He responded, "I do not think the Senate would take favorable action on any such proposal, and unless the requirements of the Senate resolution are met by the other interested nations I can see no prospect of this country adhering to the Court." [8]

In a more positive sense, Borah's name was also linked with the 1920's movement to outlaw war. Always suspicious of international agreements, Borah was not an enthusiastic supporter of Outlawry, as the movement was called, but his endorsement was critical to its success. Borah believed that European policies were leading to another war, no matter what the United States might try to do. But bending to an intense lobbying effort from antiwar groups, he continued to introduce Outlawry resolutions. After French Foreign Affairs Minister Aristide Briand proposed a bilateral pact between France and the United States, Borah actively supported the proposal. In a meeting with Secretary of State Frank Kellogg, Borah convinced the administration to broaden the proposal to a multinational pact. The result was the Kellogg-Briand Pact, in which sixty-two nations pledged never to resort to war and aggression. This "noble experiment," of course, lasted only a decade until the world was once again plunged into war—which could not be so easily outlawed.[9]

Senator Borah also strenuously opposed American intervention in Nicaragua. During the administration of William Howard Taft, the United States had replaced Great Britain as the major foreign power in Nicaragua. When a revolution erupted in that nation in 1912, the United States sent twenty-six hundred troops to quell it. One hundred marines were left behind to guard the United States legation, the beginning of a twenty-year occupation of Nicaragua.[10] The presence of American military forces in Nicaragua and other Central American and Caribbean nations seemed entirely indefensible to Senator Borah. In 1922, he observed that "the people of Nicaragua today are being exploited in shameless fashion by American corporations protected by United States Marines." In 1925, he declared "the invasion of Nicaragua was unnecessary and therefore unmoral." He asserted that the Monroe Doctrine "does not give to us the right . . . to invade territory, to tear down governments and set up others."[11]

In 1926, as a result of an insurrection led by General Augustino Sandino, the United States once again dispatched marines to Nicaragua. Borah at first accepted the Coolidge administration's rationale that it had sent troops only to protect American lives in Nicaragua, but he became increasingly suspicious of the State Department's motives. In January 1927, after meeting with Secretary of State Kellogg, Borah announced his opposition to the administration's policies in Nicaragua. The survival of the regime there, he said, was due entirely to the "sheer force of foreign arms." This stance caused many Latin American leaders to send congratulations to the senator for his "brilliant defense in favor of sovereignty of all the nations of the earth, equal before the law," as the former president of Chile wrote. Borah then introduced a resolution calling for the Senate Foreign Relations Committee to travel to Nicaragua and Mexico to hear testimony there; but administration supporters on the committee blocked his efforts. One newspaper suggested that if Senator Borah wanted to go to Nicaragua at government expense, he should join the marines![12]

Despite Borah's protests, American marines remained in Nicaragua until President Hoover withdrew them in 1933. The long years of American occupation had not left Nicaragua a stable or peaceful nation. General Sandino had promised to negotiate with the government once the marines left but, on his departure from a meeting with the Nicaraguan president in 1934, he was ambushed and assassinated by the Nicaraguan national guard. The commander of the guard who issued the orders of execution was General Anastasio Somoza, who, shortly thereafter, seized power in a civil war. For the next forty years, Somoza and his two sons would rule Nicaragua, with the support of the United States, until the Sandinista victory in 1979.[13] Nicaragua, of course, remains very much in our minds today. We stand linked to our history in that region, and many members of the Senate share the misgivings voiced by Senator Borah in the 1920's.

The image of American troops stationed in Nicaragua shatters the isolationist stereotype of the United States in the 1920's. American foreign policy in those years might better be described as nationalist and unilateralist. It was a decade that saw a concerted effort to stem the historical tide of immigration into the United States, and to favor certain groups of immigrants over the rest. One of the first bills President Harding signed was the Emergency Quota Act of 1921, which set national quotas for immigrants and which discriminated against those from southern and eastern Europe. The Immigration Act of 1924 was even more restrictive, cutting immigration from Italy, for example, by nine-tenths.

Congress and the administrations of Warren Harding and Calvin Coolidge also continued to press America's wartime allies for repayment of their war debts. This forced the allies in turn to press Germany for reparations. The problem, of course, was that neither the allies nor the Germans had the means to make those payments, as they struggled to rebuild after the war. The war debts remained a problem until 1931, when President Herbert Hoover arranged a one-year moratorium on repayment, which led to the eventual forgiving of the debts.[14]

The Hoover administration, although it could claim many admirable policies from the beginning of the Good Neighbor approach to Latin America to the war-debt moratorium, also stumbled badly in foreign policy. Perhaps its most disastrous move was its support of the all-time-high Smoot-Hawley Tariff, which triggered a wave of tariff retaliations against the United States and greatly depressed international trade. Senator Borah and other western and midwestern progressive and isolationist senators took the lead in attacking Smoot-Hawley. In general, they stood in opposition to Hoover's programs.

Ironically, the progressive Republicans voted more consistently with the new Democratic administration of Franklin D. Roosevelt than they had with their own party under twelve years of Republican presidents. In light of Roosevelt's later monumental break with the isolationists, it is important to remember that many progressive-isolationists were attracted to Roosevelt, endorsed his candidacy over Hoover's, and supported the New Deal's early domestic and foreign policies. Democratic Senator Key Pittman of Nevada replaced William Borah as chairman of the Foreign Relations Committee, but Borah remained ranking Republican on the committee and continued to have a powerful voice in foreign affairs. Robert La Follette, Jr., George Norris, Gerald Nye, and other progressives also played important roles in the great debates of the 1930's.[15]

By 1933, when Roosevelt became president, the isolationists were fairly solid in their positions, formed over the past two decades. They had come to see American entry into the First World War as a great mistake, not to be repeated again, and had formed strong ideas as to how American neutrality from European wars should be preserved. As Professor Wayne Cole has written in his recent study of *Roosevelt and the Isolationists,* the isolationists

> did not oppose all American activity abroad, but they wanted to leave Americans free to determine for themselves when, where, how, and whether the United States should involve itself abroad. They did not want to be bound by prior commitments in alliances or international organizations. . . . They opposed any American efforts to police the world or to rebuild the world in an American image. . . .
>
> . . . They urged legislation restraining the president, the military, big business, and financiers as they operated in foreign affairs.[16]

Against the isolationists now stood the most politically skillful of our twentieth-century presidents, Franklin Delano Roosevelt. By 1933, Roosevelt also had formulated many ideas on America's role in the world. He was the legatee of two major traditions of the earlier Progressive Era. As a relative of President Theodore Roosevelt, he accepted "Teddy's" view of a militarily strong America taking its place as a mediator of world affairs. As a former member of Woodrow Wilson's administration, he also believed in international cooperation through such organizations as the League of Nations and the World Court.

Roosevelt had run as the vice-presidential candidate on the ill-fated Democratic ticket of 1920, supposedly the "great referendum" on American participation in the League, and he had clearly learned, both from that defeat and Wilson's sad last years, that a president can only lead when the people are willing to follow. A president must be a careful educator of public opinion, which is why Roosevelt often played a cautious and crafty game rather than leading bold frontal assaults on unpopular issues.[17] Franklin Roosevelt, as Professor Cole has aptly described him, was

> intuitive rather than systematic, artful rather than scientific, and innovative rather then doctrinaire. He was highly flexible and shied away from rigid formulas or systems. He liked to play with ideas, to explore alternative approaches, without irrevocably committing himself to any single policy or approach. He was not troubled by inconsistencies. He had the emotional self-confidence and political realism that allowed him to abandon policies that did not work or methods that proved ineffective. He kept his options open.[18]

It is impossible to discuss or understand the nature of the great debates of the 1930's without mentioning the world forces involved. On March 5, 1933, the day after Roosevelt's inauguration, Adolph Hitler gained absolute power as dictator over Germany. At that same time, the Japanese had walked out of the League of Nations rather than accept its sanctions. Fascism in Europe and Japanese aggression in the Far East were two persistent threats to world peace and to America's security in the 1930's; and yet, as William Leuchtenburg has noted, "this was a peril most Americans chose to ignore." The depression was foremost in their minds, and they had long since abandoned any hope that the League could solve world problems. The nation's chief concern about world affairs was to keep out of them. President Roosevelt, keenly aware of the prevailing public sentiment, had announced during his 1932 campaign that he opposed American entry into the League, but he had not abandoned his faith in Wilsonian internationalism.[19]

Senator Gerald P. Nye chaired the special investigation of munitions manufacturers.

U.S. Senate Historical Office

Shortly after becoming president, Roosevelt stressed the need for international economic cooperation and sent delegates to a world economic conference in London. But as events progressed, the president became concerned that international agreements not tie his hands in dealing with the domestic economic crisis. The failure of the London conference was largely the result of Roosevelt's unwillingness to cooperate. In other areas, the unwillingness to cooperate came from Congress.

In the spring of 1933, Roosevelt considered working with the European powers on a collective security arrangement, coupled with a presidential declaration of an arms embargo against aggressors. In the Foreign Relations Committee, California progressive Republican Senator Hiram Johnson proposed an amendment stipulating that any embargo must apply equally to all belligerents. Senator Pittman, chairman of the committee, told the president that the arms embargo could not pass without the Johnson amendment. Roosevelt let the matter drop.[20]

The isolationists had the public's ear. In January 1934, Senator Borah delivered a strong defense of isolationism to the Council on Foreign Relations. Even more public attention went to Borah's attack on munitions manufacturers, whom he called "international racketeers," and on whom many isolationists blamed the First World War and current war scares. *Fortune* magazine published "Arms and the Men," which was written by two of its staff members and reprinted in condensed form in *Reader's Digest,* denouncing those who profited by war. The public outrage over this and other similar publications led to the creation, in 1934, of a special Senate committee to investigate the munitions industry. One historian has described this committee as more of a court than a congressional investigation, hearing the hypothetical case of *Peace-Loving and Moral People* v. *Manufacturers and Salesmen of Implements of War.*

Chairing this special committee was forty-two-year-old Gerald P. Nye, a progressive Republican senator from North Dakota and a staunch isolationist. Nye, who had introduced the resolution calling for the investigation, was elected to the chairmanship by other committee members, despite the Democratic majority in the Senate. This was a measure of their respect for the progressive-minded Nye—who had previously battled the policies of the Coolidge and Hoover administrations—and a recognition of his public identification with the issue. Also serving on the committee were Democrats Walter George, Joel Bennett Clark, Homer Bone, and James Pope, and Republicans Warren Barbour and Arthur Vandenberg. From the start, Senator Nye had very clear in his mind the ultimate purpose of the investigation. "I confidently predict that when the Senate investigation is over, we shall see that war and preparation for war is not a matter of national honor and national defense, but a matter of profit for few," he publicly declared. The hearings opened with great public fanfare on September 4, 1934, in the Senate Caucus Room. The committee held ninety-three hearings over the next two years, concentrating on the manufacturing and sale of munitions, activities of United States shipbuilders, and the economic circumstances of American entry into World War I, with the ultimate question being: Who would profit by the nation's entry into the "next war"?

Despite an impressive array of witnesses, including Pierre Du Pont and J. P. Morgan, Jr., the Nye committee uncovered little evidence to prove its thesis; yet, it reinforced popular sentiments that America had been lured into the Great War not over its neutrality rights or national security, but because of bankers' investments in the Allied nations, and munitions manufacturers' and shipbuilders' desires to sell their wares. The committee helped create the political climate that produced the neutrality legislation of the mid-1930's, although it failed to achieve its chief objectives of nationalizing the arms industry and reducing profits in time of war.

The committee's reputation also suffered mightily by a tactical blunder on the part of its chairman, Senator Nye. During the hearings in January 1936, Nye claimed that President Wilson and Secretary of State Robert Lansing had "falsified" about their knowledge of secret treaties. Newspapers translated "falsified" to "lied," which led two devoted Wilsonians in the Senate to respond angrily. Senator Tom Connally of Texas denounced Nye's charge as "infamous."

On the Senate floor, Connally shouted:

> Some checker-playing, beer-drinking, back room of some low house is the only place fit for the kind of

Senators Carter Glass and Tom Connally defended the memory of Woodrow Wilson against Senator Nye's "infamous" charges. *U.S. Senate Historical Office*

> language which the senator from North Dakota, the chairman of the committee, this senator who is going to lead us out toward peace, puts into the *Record* about a dead man, a great man, a good man, a man who when alive had the courage to meet his enemies face to face and eye to eye.

The following day, Senator Nye stood to respond, defending his statement and refusing to apologize. The Senate chamber was packed. Every Democratic seat was filled, and many members of the House crowded in to observe the debate. The most emotional speech of the day came from Virginia's Senator Carter Glass. The five-foot four-inches-tall, one-hundred-pound senator had served as secretary of the treasury in the Wilson administration. Beating his fist upon his desk until he broke the skin and blood dripped from his knuckles, Glass denounced Nye for "dirtdaubing the sepulcher of Woodrow Wilson." As Democratic senators cheered and applauded, Glass concluded, "Now, Mr. President, lest I should infringe those rules which I always obey, perhaps I should better desist, because what I feel like saying here or anywhere else to the man who thus insults the memory of Woodrow Wilson is something which may not be spoken here, or printed in the newspapers, or uttered by a gentleman." Nye's blunder and Glass' indignant response sealed the doom of the Nye munitions investigation. The special committee had run out of money, and the Democratic majority in the Senate had no intention of providing a continuing forum for a Republican senator to attack one of their great leaders. A month later, the committee brought its hearings to a close.[21]

Secretary of State Cordell Hull later claimed in his memoirs that the Nye committee "aroused an isolationist sentiment that was to tie the hands of the administration" in dealing with the rising tide of aggression in Europe and Asia. "The Nye committee hearings," he said, "furnished the isolationist springboard for the first Neutrality Act." [22] This act was the first of three pieces of neutrality legislation Congress enacted between 1935 and 1937 to avoid a repetition of the forces and influences that had swept the United States into the First World War. We must study the past, not to repeat the past; but we cannot legislate against it. Perhaps the neutrality acts of 1935, '36, and '37, had they been passed a generation earlier, might have prevented American entry into World War I, but they were helpless to prevent our entry into World War II.

The Italian invasion of Ethiopia in May 1935 set in motion the first neutrality bill. Senator Nye and Senator Joel Bennett Clark offered legislation proposing an arms embargo against all belligerents and wanted the Nye munitions committee to hold hearings. Senator Pittman and Senator Borah, chairman and ranking Republican on the Foreign Relations Committee, insisted that their committee held jurisdiction over the matter, causing the munitions committee members to back down. In the meantime, the State Department had drafted its own version of the proposed legislation, hoping to supplant the Nye-Clark proposals. In a "mad scramble" behind the scenes, a compromise was reached on a mandatory arms embargo. Senator Pittman drafted legislation, but neither the senator nor the president expected Congress to pass the measure before it adjourned. "It was designed largely to appease public opinion," Professor Wayne Cole suggests. Senate isolationists, however, were determined to bring the matter to a vote, and staged a filibuster to keep the Senate from adjourning.

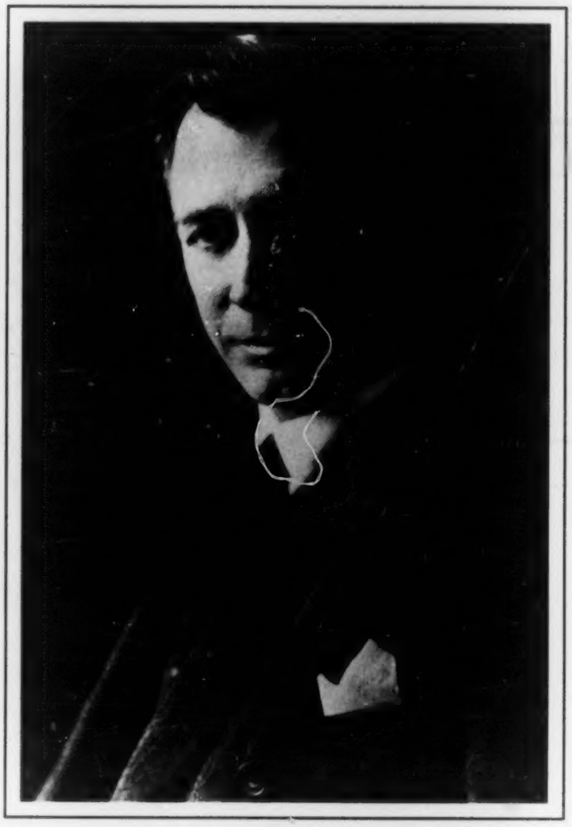
The isolationists won their case. Pittman introduced the bill, and the Senate passed it without debate. The measure then went to the House, which also passed it quickly. Some internationalists hoped that the president would veto the act, but, in spite of his objections, Roosevelt approved it. When he signed the bill, Roosevelt warned that its "inflexible provisions might drag us into war instead of keeping us out." Nevertheless, the arms embargo and provisions that prohibited Americans from traveling on belligerent ships were now law.[23] Between the aggressor and the victim in Ethiopia, the United States would not choose sides. That we were willing to close our eyes to the Italian invasion certainly was not lost upon the Italians, Germans, and Japanese as they planned their expansionist policies.

In 1936, Roosevelt hoped to amend the neutrality law to apply the arms embargo only against aggressors, but the measure stood no chance of passage. The Neutrality Act of 1936 extended the earlier law for another year, adding a loan ban to the arms embargo. Again, events outside the United States shaped American policy. In July 1936, a bloody civil war broke out in Spain, with Germany and Italy supporting the military rebels, and the Soviet Union backing the government forces. Again, the United States remained neutral.

By 1937, the Roosevelt administration decided there was no way it could shape neutrality legislation in Congress, given the prevailing moods and no new proposals. Senator Pittman, however, introduced his own sweeping, permanent neutrality bill. This bill would not only continue provisions of past neutrality legislation but would also add cash-and-carry requirements that belligerents pay for all American goods and ship them on their own vessels. Even this bill failed to satisfy isolationists like William Borah and Hiram Johnson, who voted against the measure in committee. But, on March 3, the Senate passed the Neutrality Act of 1937 by a 63 to 6 margin, again with Borah and Johnson voting in the minority.[24]

Although members of the Senate and House had marched in step to produce legislation to keep the United States out of war in Europe, they began to feel dissension in their own ranks concerning the war clouds in Asia. Senator George Norris of Nebraska, who was proud of his vote against American entry into World War I, and who had supported each of the neutrality bills, was dismayed over Japan's ruthless and militaristic behavior in China. In July 1937, when Japanese planes sank the American ship *Panay*—in a surprise attack on a Sunday morning, by the way—Senator Norris called Japan "an outlaw nation." Japanese aggression caused Norris to begin to alter his views about neutrality. As his biographer, Richard Lowitt, has noted, "It is a terrible thing, to realize we live in a world in which we must arm ourselves in order to preserve our safety." [25]

On October 5, 1937, President Roosevelt responded to events in Asia and Europe in an address in Chicago—then the very center of midwestern isolationism. Roosevelt noted that as law, order, and justice were being wiped away around the world, no one should imagine that America would be spared. There could be "no escape through mere isolation or neutrality." He called for peaceloving nations to "quarantine" aggressors. "America hates war," he concluded. "America hopes for peace. Therefore, America actively engages in the search for peace." The speech brought forth a storm of protest. Senator Nye feared the president was trying to police the world. "We reach now a condition on all fours with that prevailing just before our plunge into the European war in 1917," he declared. Some isolationist congressmen called for Roosevelt's impeachment. The *Wall Street Journal* proclaimed, "Stop Foreign Meddling; America Wants Peace." The president backed away from the controversy. "It's a terrible thing to look over your shoulder when you're trying to lead," he said privately, "and find no one there." [26]



Key Pittman, chairman of the Foreign Relations Committee, introduced major neutrality legislation.
U.S. Senate Historical Office

The isolationists believed the United States should go to war only if first attacked. Senator Borah objected to "this running around over the world trying to placate every situation and adjust every controversy." It was "not the business of democracy," he cautioned. Fear that somehow the president would drag the United States unwillingly into war, and that the majority in Congress would capitulate, spurred a movement for a constitutional amendment. Congressman Louis Ludlow of Indiana, a former Washington newspaper correspondent with a sense for public opinion, proposed an amendment requiring a national referendum before Congress could declare war (except in case of attack). Public opinion showed that almost three-quarters of the American public favored the Ludlow amendment, and its narrow defeat in the House of Representatives was probably attributable to the nervousness of many members following the Japanese attack on the *Panay.*[27]

As the world situation grew tenser, the Roosevelt administration moved tentatively toward a more internationalist stance, while the isolationists intensified their efforts. As so often happens in a debate, the arguments became more extreme as the lines became more firmly drawn. An air of unreality surrounded some of the isolationists' arguments, best illustrated in an interview which Senator Borah gave in 1938. "The United States is getting worked up over the prospect of war. I'm not," he told a reporter. "You are a young man as compared to me and neither of us will live to see the day when the United States is invaded. With the Atlantic on one side and the vast Pacific on the other we are safe. It would be folly, from a military standpoint, for another country to try to invade us and they know it." Borah was right in calling it folly, and in saying he would not live to see an invasion, but tragically wrong in thinking another country would not try to attack us, as Pearl Harbor proved three years later.[28]

Regardless of the debate in America, the movement toward world war progressed ominously. In March 1936, Germany reoccupied the Rhineland in violation of the Versailles treaty. In November of that year, Germany, Italy, and Japan formed a military alliance. In September 1938, Hitler threatened to invade Czechoslovakia, until British and French leaders flew to Munich to appease him. In August 1939, Hitler's Germany signed a nonaggression pact with Stalin's Russia. Realizing that war was imminent, President Roosevelt lobbied with key senators for repeal of the arms embargo, but his appeals were rebuffed. "Well, Captain, we may as well face the facts," Roosevelt's crusty vice president, John Nance Garner, told him. "You haven't got the votes, and that's all there is to it." On September 1, 1939, Germany invaded Poland. This time, no longer willing to appease Hitler's insatiable appetite, Britain and France declared war. The Second World War had begun. President Roosevelt proclaimed a limited national emergency and put the Neutrality Act of 1937 into effect. "This nation will remain a neutral nation," he said in a radio address, "but I cannot ask that every American remain neutral in thought as well."[29]

President Roosevelt called Congress back into special session to repeal the arms embargo, to aid victims of aggression, and to allow belligerent nations—in effect, the Allied nations—to purchase American munitions on a cash-and-carry basis. This policy, he insisted, would aid the Allies without drawing the United States into the war. The isolationists vehemently disagreed. Public opinion polls showed deep-felt American support for the British and French against the Germans, but the same polls also showed the great majority of Americans wanted their country to stay out of the war. Senator Borah broadcast a radio address to the nation insisting that neutrality was possible and that American involvement in the war was not inevitable. Borah denounced the proposed repeal of the arms embargo, but President Roosevelt had lined up the 1936 Republican presidential and vice-presidential candidates, Alfred M. Landon and Frank Knox, to issue statements supporting the repeal immediately after Borah's broadcast. And so the war for public opinion raged.[30]

Events in Europe and Roosevelt's shrewd and careful leadership began to shift the tide. Isolationists like Ohio's Senator Robert Taft, Vermont's Warren Austin, New Jersey's Warren Barbour, and Nebraska's George Norris slowly came around to the president's position on repeal. "If we repeal it, we are helping England and France," Senator Norris wrote to one of his constituents. "If we fail to repeal it, we will be helping Hitler and his allies. American neutrality is an impossibility." After six weeks of debate, the Senate repealed the arms embargo on October 27 by a vote of 63 to 39. The House followed a week later, and the president signed the Neutrality Act of 1939.[31]

As events of history moved irrepressibly past them, the isolationists lost their most eloquent voice. On January 16, 1940, Senator William Borah collapsed at his Washington apartment, lapsed into a coma, and died three days later. The day before his collapse, Borah had led the opposition to the nomination of Roosevelt's new secretary of the navy, Charles Edison. His final words on the Senate floor, in this last losing battle, were in ringing defense of the Constitution and the Bill of Rights. "When the time comes, as please God, I am sure it will," Borah had declared, ". . . that the oppressed people of the world begin to fight their way back to civilization and away from the frightful 'isms' which engulf them in misery and slavery, they will look to this Bill of Rights as embodying their hopes and ideals." Less than a week after Borah uttered those words, his funeral was held in the Senate chamber. Every desk was occupied except for the one at which he had sat for thirty-three years. The president, the cabinet, and the Supreme Court joined the Congress in mourning this towering figure. There was no eulogy. No one could match Borah's eloquence. After the service, the Senate chamber was opened and thousands filed past in silent tribute before William Borah made his last trip back to Idaho.[32]

Death spared Senator Borah the agony of witnessing his hopes dashed and his policies defeated. The spring of 1940 brought the end of the "phony war" in Europe and the beginning of the terrible German blitzkrieg. On April 9, German troops invaded Denmark and Norway. On May 10, Germany marched into the Netherlands and Belgium. By the end of May, Britain was evacuating its troops from the European continent at Dunkirk. By June 5, Germany had launched its invasion of France, and, by June 16, German troops were in Paris. Defeated France signed its armistice, and the Vichy government was established under Marshal Pétain. That summer, the German Luftwaffe carried out intensive air raids on Britain.

President Roosevelt saw Great Britain as America's last line of defense in Europe. If Britain fell to Hitler's military might, then the security of the United States would be in grave jeopardy. With Britain standing alone, the president sought some way to provide aid without inflaming American public opinion. In May 1940, Prime Minister Winston Churchill asked Roosevelt for the "loan of forty or fifty of your older destroyers" to reinforce the royal navy in the English Channel. Roosevelt, however, doubted he could get such a request approved in Congress. That June, the Senate amended a naval appropriations bill to prohibit the president from sending military materiel to belligerent nations unless his chief military officers certified that it was not essential to American defense. With Congress in no mood to authorize a sale, Roosevelt decided to act on his own, under his authority as commander in chief. After consulting with his cabinet and congressional leaders, Roosevelt announced, on September 4, a destroyers-for-bases deal, by which the United States would transfer fifty overage destroyers to Britain in return for Britain's leases on naval and air bases in Newfoundland, Bermuda, and the Caribbean. Thirty years later, senators opposed to American involvement in the Vietnam War often cited the destroyers-for-bases plan as a usurpation of the Senate's treaty powers. Professor Arthur Schlesinger, Jr., in his study *The Imperial Presidency,* has defended Roosevelt's decision and compared it to Lincoln's response to the firing on Fort Sumter. "To have tried to get destroyers to Britain by the treaty route," Schlesinger wrote, "was an alternative only for those who did not want Britain to get destroyers at all. Congress, by voting money to build the bases, soon gave the deal its implicit sanction." [33]

The day after Roosevelt announced his destroyers-for-bases deal, isolationists announced the formation of the America First Committee which grew out of an antiwar organization founded by students at Yale University. (Among these isolationist students, I find it interesting to note, were such later internationalists as former President Gerald Ford, R. Sargent Shriver, Justice Potter Stewart, and Yale President Kingman Brewster.)[34] During the next fifteen months, the America First Committee, with such spokesmen as Senators Gerald Nye and Burton Wheeler and aviator Charles Lindbergh, became the chief force for stimulating public opinion against the president's aid-short-of-war program. Roosevelt, however, was quite equal to the fight, as he proved that November by winning an unprecedented third term to the presidency over an attractive Republican candidate, Wendell Willkie. Also opposed to the America Firsters was an internationalist organization known as the Committee to Defend America by Aiding the Allies, chaired by the journalist William Allen White; thus, the lines were set for the last debate between isolationism and internationalism.

On December 29, 1940, President Roosevelt broadcast one of his fireside chats to the American people. With his reelection battle won, the president moved to create a coherent American policy toward the war in Europe and to line up public support behind that policy. "If Great Britain goes down," Roosevelt told his audience, "the Axis powers will control the continents of Europe, Asia, Africa, Australia, and the high seas." The Americas would then "be living at the point of a gun." The nation could not escape this danger by "crawling into bed and pulling the covers over our heads," he warned. The president's proposal, which he presented to Congress in his State of the Union message the following week, was a Lend-Lease plan. Since the British had run out of funds to purchase war materiel from the United States, Lend-Lease would permit the president to sell, transfer, exchange, or lease military supplies to any nation the defense of which he declared vital to the security of the United States.

Roosevelt's proposal launched what Professor Wayne Cole has called "the most spirited and important debates in the history of American foreign affairs." Gone from the debates were such figures as Key Pittman and William Borah, who had both died in 1940. Leading the president's fight in the Senate was the new chairman of the Foreign Relations Committee, Walter George, and Senate Democratic Leader Alben Barkley. Against them stood Senators Nye, Wheeler, Johnson, and other isolationists. The most prominent citizen to testify against Roosevelt's plan was Colonel Charles A. Lindbergh, "Lucky Lindy," the popular aviator. A complete victory by either side in the European war would destroy western civilization, Lindbergh told the Senate Foreign Relations Committee. Lindbergh believed American Lend-Lease would only prolong the war and undermine efforts for a negotiated peace. The United States, he declared, could not "police the world."

Despite this spirited opposition, President Roosevelt had the votes. On March 8, 1941, the Senate approved H.R. 1776—and the choice of that historically significant number was quite deliberate—by a vote of 60 to 31. Senator George Norris, completing his odyssey from isolationist to internationalist, cast his vote for Lend-Lease. President Roosevelt was delighted. The great debate over Lend-Lease, he said, "was not limited to the halls of Congress. It was argued in every newspaper, on every wave length, over every cracker barrel in all the land; and it was finally settled and decided by the American people themselves."[35]

Mr. President, so many significant events in the foreign policy of the United States arose during 1940 and 1941 that I can only briefly list them here. The Battle of the Atlantic was raging, with American vessels convoying British supply ships during the spring of 1940, and there was the sinking, by a German submarine, of the United States merchant ship *Robin Moor.* Germany invaded Egypt, Greece, and Yugoslavia in March and April, and then launched its inexplicable invasion of the Soviet Union on June 22. The war had made Russia, Britain, and, eventually, the United States allies against the Germans. Also, in June 1941, American scientists began secretly working on development of the atomic bomb, which would later influence so fatefully the course of the war and of humanity. In July, the Japanese occupied Indochina, causing President Roosevelt to freeze all Japanese credit in the United States and ending trade between the two countries. Previously, the president had embargoed all sales of scrap iron and steel to Japan, as an attempt to halt Japanese military expansion throughout Asia.

In August, President Roosevelt met with Prime Minister Winston Churchill on board the British battleship *Prince of Wales* off the coast of Newfoundland. There, they issued the Atlantic Charter, renouncing territorial aggrandizement, supporting the right of people to choose their own form of government, maintaining their belief in freedom of the seas, and calling for a permanent peace organization. The nations that signed the Atlantic Charter made up the Allies who would fight the Axis and eventually form the United Nations. On August 12, the House of Representatives, by a single vote, approved the extension of the army draft. In October, German submarines torpedoed the United States destroyer *Kearny* and the destroyer *Reuben James.* In response, the Senate, on November 7, 1941, voted to repeal much of the Neutrality Act of 1939, thereby permitting the United States merchant vessels to be armed and allowing them to carry goods into belligerent ports.

Meanwhile, the Japanese had demanded that the United States lift its freeze on Japanese credits and resume full trade between the two nations. American military officials, having broken the Japanese code, became convinced that war was imminent and believed Japan would strike in the Philippines and Southeast Asia. Isolationists viewed these developments with grave concern, certain that the president was somehow trying to provoke a war with Germany over Atlantic shipping, or trying to get into the war "by the back door" with Japan. Roosevelt, at the same time, moved forward to protect what he saw as America's interests—defense and security.[36]

On Sunday, December 7, 1941, the great debate over American foreign policy came to an end. Senator Gerald P. Nye was addressing an America First rally at Soldiers and Sailors Memorial Hall in Pittsburgh. Twenty-five hundred people were crowded into the hall to hear Nye, former Pennsylvania Senator David Reed, and other isolationists make their case. As Senator Nye was speaking, a note was laid on the podium before him announcing that Japan had declared war on the United States. Flustered, and uncertain whether to believe the report, Senator Nye kept on speaking. He completed his address and then told his audience of reports that Japanese planes had bombed the American naval base at Pearl Harbor in Hawaii. That was the last meeting of the America First Committee. When reporters questioned the senator afterwards, he replied, "If Japan attacked, there is nothing left for Congress to do but declare war."[37]

That night, Roosevelt summoned leaders of Congress and members of the Senate Foreign Relations Committee to the White House. Isolationists like California Senator Hiram Johnson walked silently past the crowd of reporters outside the executive offices. The next day, Congress voted a declaration of war against Japan—with only Montana Congresswoman Jeannette Rankin voting no, as she had done against American entry into World War I. Days later, Germany and Italy also declared war on the United States, and we were fully immersed in the global conflict.

Pearl Harbor exploded Senator Borah's prediction that the United States was safe from military attack, and discredited the isolationists' claim that the United States could stay neutral in a world at war. Defeat and death removed most of the isolationists from the Senate in the next few years. Senators Nye, Wheeler, La Follette, and Norris were not returned to office. Senators Vandenberg and Austin converted to internationalism. Senator Taft held to his principles and remained in the Senate, but his identification with isolationism denied him the election to the presidency he so avidly sought. As the United States entered a decade of war, both hot and cold, the debate over foreign policy was muted, and a bipartisan or nonpartisan stance was adopted. "Politics stops at the water's edge," became the watchword of the 1940's. Twenty years of political debate ended in a beautiful Hawaiian harbor, marred by the burning hulls of a fleet of American battleships.

We remember December 7, 1941, as a day of infamy. We mourn the hundreds of American servicemen who died at Pearl Harbor, and the thousands who gave their lives in the war that followed. We might also mourn the abrupt ending of the debate over American foreign policy. While history proved President Roosevelt and his followers more correct than their isolationist opponents, it also buried for decades the warnings of the isolationists that the United States should not aspire to police the world, nor should it intervene at will in the affairs of other nations in this hemisphere or elsewhere. Subsequent events, which will be the subject of other addresses in my continuing series on the history of the United States Senate, demonstrated that some validity existed in the arguments on both sides of that great debate.

CHAPTER 26

Profiles of New Deal Senators

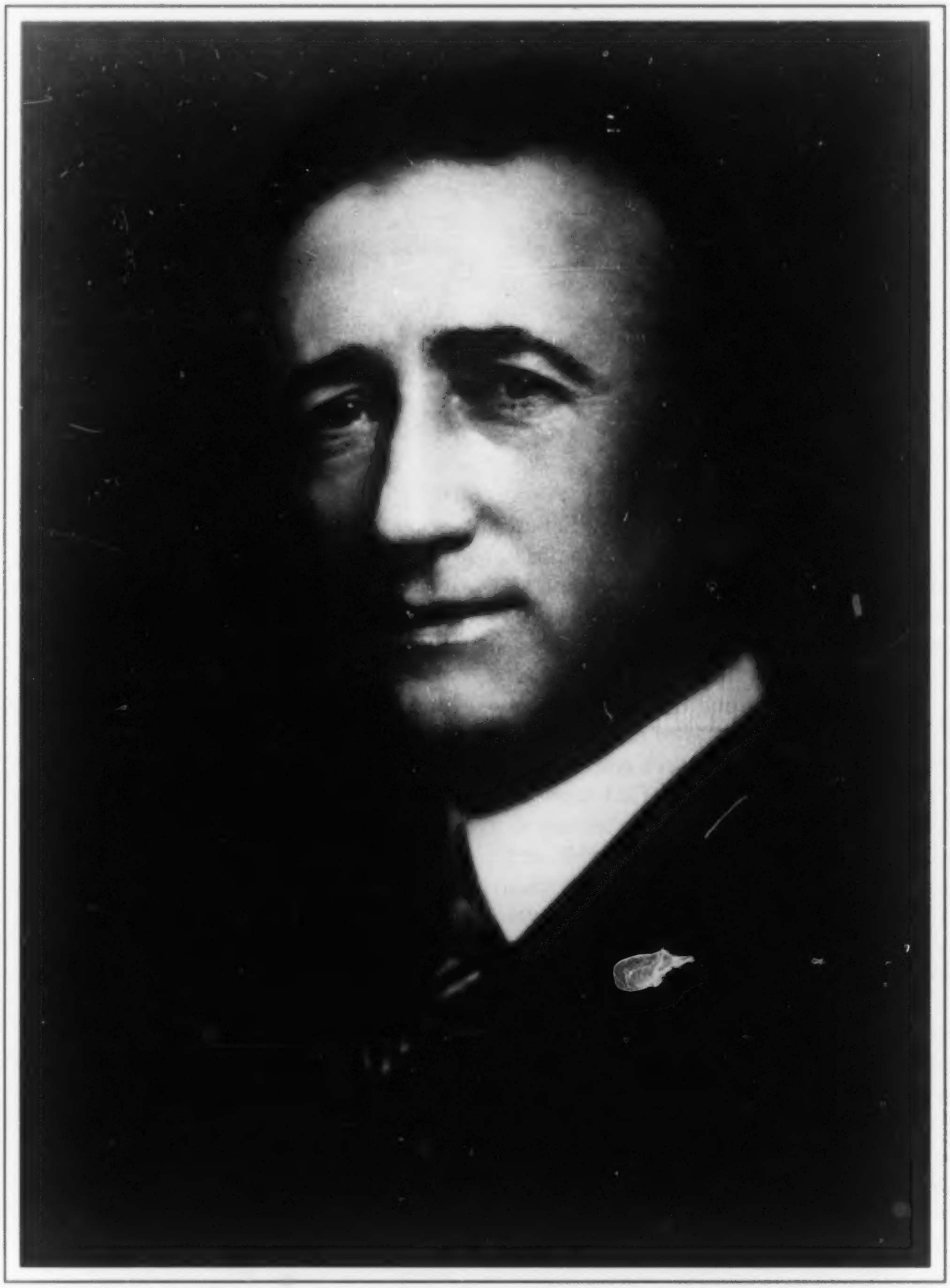
September 7, 1984

Mr. President, the United States Senate has attracted some of the great personalities in American history. Towering, eloquent, magnetic, adroit, brilliant, blustering, intimidating, crafty, high-minded, haughty, heroic, and humorous, they have made their mark on the political scene from this Senate floor. Throughout my series of addresses on the history of the Senate, I have endeavored to recall the lives and careers of its more illustrious members, many of whom are represented in the Capitol Building in marble and on canvas. They were very much flesh-and-blood living creatures in their day. There was Henry Clay—"Harry of the West"—who dominated the Senate but failed repeatedly in his quest for the presidency. There was Daniel Webster—alternately the "Godlike Daniel" and "Black Dan"—and John C. Calhoun, the "Iron Man." Then, there were the likes of Thomas Hart Benton, Jefferson Davis, Andrew Johnson, Charles Sumner, Roscoe Conkling, Arthur Pue Gorman, Nelson Aldrich, Albert Beveridge, Robert La Follette, and many others about whom I have spoken.

Today, I would like to focus on three senators of the New Deal era who, while in many ways unique men, were also typical of so many others who served in this body over the past two hundred years. The three—James F. Byrnes of South Carolina, Huey P. Long of Louisiana, and Hugo L. Black of Alabama—represent the insider, the outsider, and the investigator. They also demonstrate that, during the 1930's, a decade dominated by the imposing figure of Franklin D. Roosevelt, members of the Congress, individually and collectively, also exerted influence on the course of events. They were fascinating men, and I believe we would do well to stop and reflect on their careers.

JAMES F. BYRNES: THE INSIDER

The *Washington Post* once described James F. Byrnes as "a Senate man as the term is understood in the South. He rarely spoke on the floor, but in the cloakroom and in his office, over bourbon and branch water, he wheedled and bargained with a flair." "Jimmie" Byrnes, as most of the Senate knew and called him, served as Democratic whip through the whirlwind days of the New Deal. He was a man the president could



"If a new member of the Senate expects to accomplish anything," said James F. Byrnes, "he is wise to tread softly, to become familiar with the rules, and, more important, with his colleagues." *U.S. Senate Historical Office* count on through thick and thin, and a legislative troubleshooter unequaled in his generation. The folks outside South Carolina may not have read much about James Byrnes in the newspapers during the 1930's—he would not become a household name until World War II began—but he was one of the most effective members of the Senate, and the quintessential insider.

James Francis Byrnes was born in Charleston, South Carolina, in 1879, the child of Irish immigrants. His father died shortly before Byrnes was born, and his mother, almost penniless, worked as a dressmaker to support her two children. Young Jimmie sold pies and newspapers, and did other odd jobs to help his family. At fourteen, he dropped out of school to work as a messenger and clerk in a law office. Throughout his life, Byrnes was always proud of his reputation as a "hustler" and "self-made" man. He read law and studied shorthand and became a court stenographer.

In 1904, he passed his bar exam, but few clients appeared at his doorstep, so he continued to labor as a court reporter. But this position gave him training in politics as well, for he had to travel the court circuit in six counties of South Carolina, and spent many an evening in small-town hotels near the courthouses, listening to the lawyers who were there to argue cases. From them, he recalled, "I learned not only the strategy of trial lawyers but something of the art of politics, an art more readily acquired by association than by study." In 1908, at the age of twenty-nine, he plunged into politics by running for solicitor, the South Carolina equivalent of district attorney. That job led him to a race for Congress in 1910, in which he defeated a three-term incumbent in the Democratic primary. He campaigned by horse and buggy, by train, and "on nerve and nerve alone," but he won the race by fifty-seven votes.

In later years, James Byrnes observed that "there are two happy days in the life of a man in public office—the day he is elected and the day he steps out." Here he exaggerated, for the zeal with which he threw himself into his congressional career showed that Byrnes clearly enjoyed life as an officeholder. It was 1911 when Representative Byrnes first arrived in Washington, just as the Democrats regained control of the House of Representatives after years in the minority. Byrnes supported the election of Champ Clark of Missouri as Speaker and remained close to such powerhouses as Clark and John Nance Garner of Texas. He learned to keep his mouth shut and his eyes open. Byrnes had been disappointed with his first committee assignments, but he talked with an old-time congressman who advised him that the best committee was the "Committee on the State of the Union," by which he meant the House sitting as a Committee of the Whole. "If a man will remember he is a member of that committee and stay on the floor when the House is in session, he will learn more about government than in any other way." That advice, Byrnes learned, proved most accurate.

While still a freshman member of the House, Byrnes introduced a bill to improve the public roads in his district. Of course, he was too junior to hope for passage of the measure, but he noticed that many other members had introduced similar bills for roads in their own districts. Byrnes called a meeting of these members in his office and proposed that they abandon their pending bills and pool their efforts in a single bill for a national highway system, based on federal payments to the states to improve roads used by rural mail carriers. The House passed the Byrnes amendment, and, although the Senate did not accept it completely, it agreed to fund a study and appropriate a half million dollars as an experiment in federal-state matching grants for highway construction. The freshman congressman took back to his South Carolina district $20,000 to build the first federally aided sand-clay road in the state. Here was a remarkable young member of Congress.

Senior members of the Democratic party in the House recognized Byrnes' potential and rewarded him with a coveted seat on the Appropriations Committee. This gave him an unparalleled education in government finance and also introduced him—while he chaired the naval appropriations subcommittee—to the young assistant secretary of the navy, Franklin D. Roosevelt. At the 1920 Democratic Convention, Byrnes worked hard for Roosevelt's nomination as vice president and, twelve years later, he would swing the South Carolina delegation behind Roosevelt's presidential nomination.

In his seven terms in the House, James Byrnes gained a strong reputation among the other members and from the Wilson administration, but little recognition outside Congress. In 1924, he ran for the Democratic nomination to the Senate but was defeated by former South Carolina Governor Cole Blease. Blease campaigned in a particularly unscrupulous manner, taking advantage of Byrnes' conversion from Catholicism to Episcopalianism at the time of his marriage. Blease attacked Byrnes in Protestant districts as a Catholic altarboy, and in Catholic districts as a renegade from the church. Byrnes lost by twenty-two hundred votes, the only defeat in his political career.

For six years, he retired to a law practice in Spartanburg, South Carolina, itching to get back into politics and to seek revenge against Blease. By 1930, the nation was deep in the Great Depression, and, as prices tumbled, factories closed, and people were laid off, Byrnes recalled, "Some businessmen who did not admire Senator Blease, and many others who had opposed him for years, began to urge me to be a candidate for the Senate." Byrnes ran and, this time, beat Blease by five thousand votes.

When James Byrnes arrived in the United States Senate in 1931, he found many familiar faces, men with whom he had served in the House who had preceded him to the upper body. There were Democratic Minority Leader Joe Robinson, Carter Glass, Alben Barkley, Pat Harrison, Kenneth McKellar, and Carl Hayden among the Democrats; and George Norris and Wallace White on the Republican side. Pat Harrison, soon to become chairman of the Senate Finance Committee, held a dinner in Byrnes' honor that first night, and it was clear that the Senate's inner club had accepted him with open arms. The freshman senator was assigned a seat on the Appropriations Committee, at a time when such places generally only went to senior senators. But Senator Byrnes did not come on too strongly. "House experience," he explained, "had taught me that if a new member of either House or Senate expects to stay a while and accomplish anything, he is wise to tread softly, to become familiar with the rules and, more important, with his colleagues." To the best of his ability, he followed that pattern. Nevertheless, Franklin Roosevelt's election in 1932 drew Byrnes into the front ranks of Senate activity. During the campaign, Byrnes became part of Roosevelt's Brain Trust, as his circle of advisors was known. After the election, a rumor spread that FDR wanted Byrnes to replace Joe Robinson as Democratic floor leader—as the Democrats were about to become the majority party in the Senate for the first time in fourteen years. But Byrnes quickly issued a statement denying he was a candidate for the post. "I was," he admitted, "aware that newspaper articles dubbing anyone 'the fair-haired boy' of the coming administration and 'the president's favorite senator' were harmful in the Senate, inviting friction and causing rivalries, and might endanger the extensive legislative program contemplated." Still, among the senators and the press, Byrnes was seen as the "White House Messenger Boy," and, for all his efforts to shake that image, he was the man to talk to if one wanted to determine the Roosevelt administration's position on an issue. He became the ablest tactician of New Deal legislation on Capitol Hill.

During the bank crisis of March 1933, Senator Byrnes worked closely with Carter Glass, a key member of the Banking Committee and chairman of the Appropriations Committee, and with Roosevelt's top aide, Raymond Moley, in preparing the Emergency Banking Act. This was the measure that reopened the nation's banks and assured solvency of the banking system. Byrnes also worked on the Economy Act of 1933, a little-remembered bill from the early New Deal that slashed the budgets of federal agencies and salaries of government employees and members of the cabinet. This piece of orthodox economic legislation represented a belief that the best way to meet a depression was through government retrenchment. It failed. Only then did the New Deal shift its attention to stimulating the economy by government spending.

Byrnes also worked on the Agricultural Adjustment Act, largely to keep inflationists in the Senate from using it as a vehicle to promote the old populist idea of free coinage of silver. Seeing Raymond Moley in the Senate gallery one day during the debate, Byrnes asked him to go with him to warn the president of the situation. Roosevelt heard them out and asked them to prepare a substitute amendment, raising price levels by a modest increase in the currency. Byrnes was then dispatched to talk the author of the more inflationary measure, Senator Elmer Thomas of Oklahoma, into accepting their substitute. The Byrnes-Moley version was the one enacted. During the next four years of the New Deal, Senator Byrnes had his hand in numerous other critical pieces of legislation, but rarely did one outside his home state read about his activities in the newspapers. In the familiar terms of the Senate, Byrnes was a "workhorse" rather than a "showhorse."

Still, the voters of South Carolina knew of his importance in the Senate and returned him to office in 1936 with 87 percent of the vote. President Roosevelt also won a landslide reelection that year, but both men found their second terms tougher than their first. Shortly after Roosevelt's second inauguration, he surprised Byrnes and other senators with a plan to pack the United States Supreme Court with an extra member for every justice over the age of seventy who did not retire. Byrnes had been unhappy with recent Supreme Court decisions against the New Deal, which he considered politically motivated, but he did not like all the provisions and methods of Roosevelt's packing plan. Still, he remained a loyal soldier and announced publicly his support for the plan. Privately, Byrnes urged the president to seek a compromise. Roosevelt failed to heed his advice and suffered the worst legislative setback of his presidency. The Court packing plan was a major turning point for the New Deal, marking the end of FDR's good relations with Congress, and the beginning of a series of legislative defeats.

The president also erred, Byrnes believed, in trying to force Senate Democrats to elect Alben Barkley as their Majority Leader, after the July 1937 death of Joe Robinson. Roosevelt again erred in trying to purge the party of conservatives in the 1938 primaries. In each case, he strained relations with Congress even further. When Roosevelt was in trouble on Capitol Hill, he knew to call James Byrnes, by now the Democratic party whip in the Senate.

In 1937, the Senate had defeated Roosevelt's reorganization plan to create an Executive Office of the President and allow the president to appoint a few assistants. This proposal seems modest when compared to the enormous bureaucracy of the White House today, but, in those days, Roosevelt's bill was pictured as "dictatorial." In 1938, Roosevelt persuaded Byrnes to reintroduce a modified version of the plan, and, despite seventy-five thousand telegrams against it, he managed to maneuver it through to enactment. The structure of the modern presidency owes much to James Byrnes' efforts in that struggle.

By then, the focus of national attention was shifting to war clouds in Europe and Asia. President Roosevelt suggested that Byrnes take a seat on the Foreign Relations Committee. Since Byrnes, very much a Senate insider, was a member of the Democratic Steering Committee, which made committee assignments, this proved a relatively simple deed to accomplish. Now, Byrnes played an even more important role in piloting Roosevelt's legislation through the hostile waters of isolationism in the Senate. After Hitler invaded Poland, Roosevelt summoned Byrnes and other congressional leaders back to Washington; told them he planned to call Congress into special session; and asked for their help in repealing the arms embargo. "Knowing that the bill could not be passed without a real battle for the approval of both Congress and of the Nation," Byrnes later wrote that "upon the request of the president I devoted my time to this cause to the exclusion of everything else." On the eve of the vote, Byrnes predicted to the press that the bill would pass by a 65 to 31 margin. The actual vote was 63 to 30!

In his memoirs, Byrnes tells how General George C. Marshall asked for his help in gaining authority to promote younger officers of exceptional ability over those who outranked them in seniority. The measure had been blocked in the House by the chairman of the Military Affairs Committee, Andrew J. May. Byrnes included the provisions as an amendment to an appropriations bill and deftly maneuvered it through the conference committee. "I was told by a friend on the House Appropriations Committee," he recalled, "that it was some days before May learned through one of the army officers affected that he had himself voted for a bill containing the 'blocked' legislation." That bill enabled the army to promote a young officer named Dwight Eisenhower over 366 senior officers, and helped Marshall to put into place the military leaders who led our armies during World War II, thanks to a little legislative sleight of hand.

Senator Byrnes concluded his legislative career as a manager of the Lend-Lease Act, perhaps the most important of our prewar preparedness bills. After a three-week fight against the holdout isolationist opposition, the bill passed. As a result of Byrnes' long and loyal service on such critical legislation, in June 1941, the president appointed him to the United States Supreme Court. Jimmie Byrnes was too much of an activist to sit in judicial robes for long. A year later, he resigned to become "Assistant President" during the war, handling domestic problems while Roosevelt dealt with international issues. Byrnes later became head of the Office of War Mobilization, and then became secretary of state under Harry Truman.

Even after James Byrnes retired from federal service, he was not done. The voters of South Carolina elected him their governor. His was truly a remarkable career. "In retrospect," he wrote, "I think I enjoyed most my service in the United States Senate. There I was engaged in the consideration of every phase of our national life—our foreign affairs as well as our domestic problems.

Present always was the incentive that comes from accomplishment. There was independence of action, and there was the pleasure of competing with men who displayed good sportsmanship and whose friendship enriched my life." In later years, despite the high drama of his career in the judicial and executive branches, Jimmie Byrnes confided to a friend, "I would give all I own to be back in the United States Senate."[1]

HUEY P. LONG: THE OUTSIDER

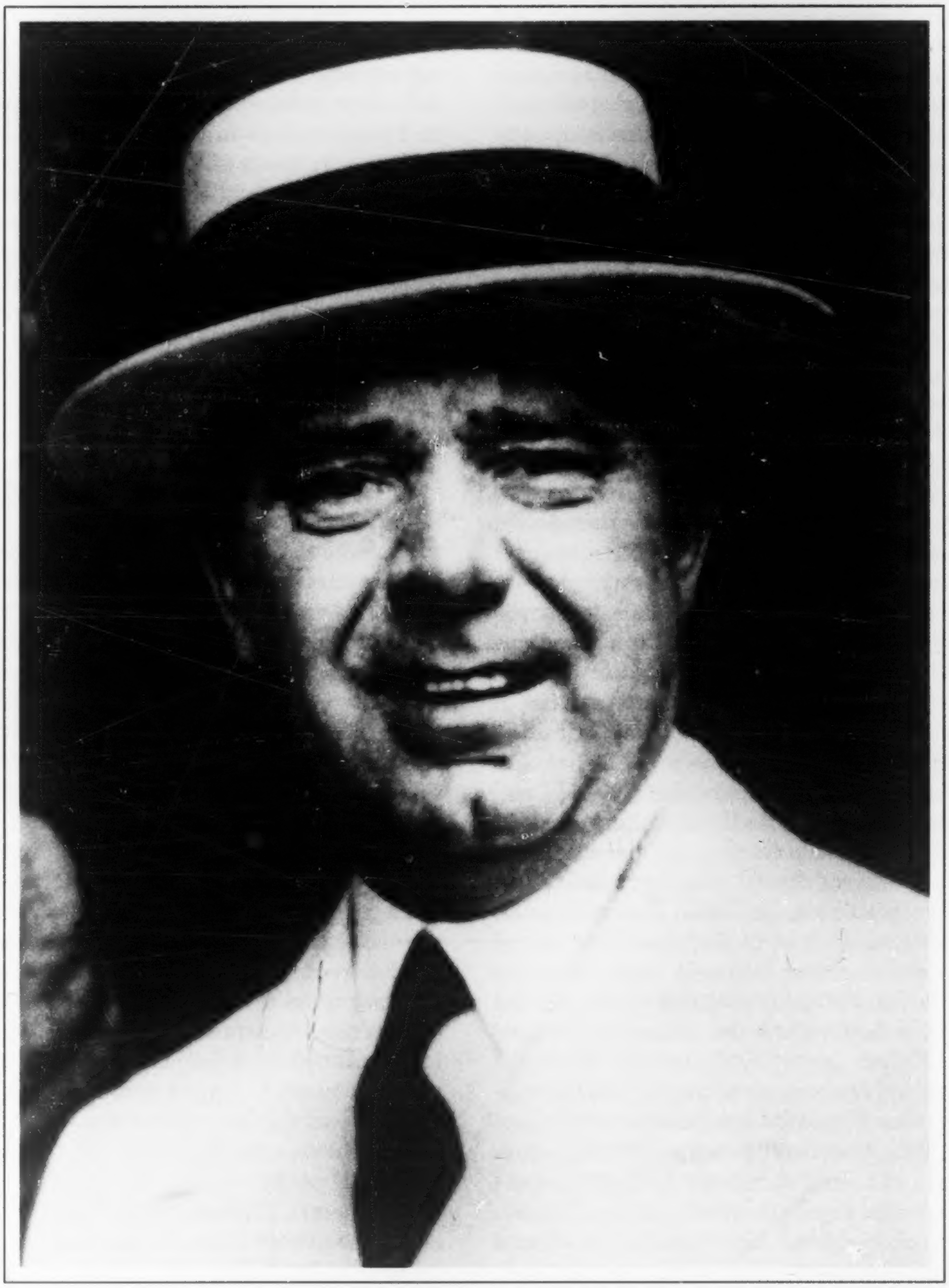
Huey Long and James Byrnes were both southern Democrats—men who could charm an audience, large or small, with their humor and their eloquence—but were ever two senators more different? James Byrnes toiled away in committee, while Huey Long resigned his committee memberships. Byrnes operated in the cloakrooms, building coalitions and beguiling his opposition. Long operated on the Senate floor, confronting his opposition, mocking it, goading, driving it into a rage. Byrnes was the Senate Insider; Huey, the great Outsider. His audience was not on the floor but in the galleries and beyond, over the national radio networks and through the press.

Huey Pierce Long was born in Winn Parish, Louisiana, in 1893. It was a poor, upland county, out of step with the rest of the state on many issues. In 1861, delegates from Winn Parish had refused to support the state's secession from the Union, and Huey's grandfather, along with others from the parish, refused to serve in the Confederate army. They opposed the "aristocratic" Confederate government. In the 1890's, when Huey was born, Winn was a hotbed of populism. It also gave a large vote to the Socialist party and elected Socialists to local and municipal posts.

Young Huey was brash and dynamic. He excelled as a debater and took an early interest in politics; however, family finances suffered a downturn, and Huey was unable to use the small scholarship he had received to attend Louisiana State University. Instead, he became a door-to-door salesman for Cottolene, a cottonseed oil substitute used in cooking. It was while selling Cottolene that he met Rose McConnell, the girl he would marry two years later, at a cooking school contest the company sponsored. As a historical footnote, I should mention that Rose McConnell Long later succeeded her husband in the United States Senate; and that, a dozen years later, their son, Russell Long, our own beloved colleague, was elected to the Senate. They are the only father-mother-son team ever to have served in the history of this institution.

After he married, Huey Long was able to borrow enough funds to attend Tulane Law School for nine months, during which time he managed to master enough law to pass the state bar examination. He practiced law first in his home town of Winnfield and then in the larger Shreveport. "Always my cases in court were on the side of the small man—the under-dog," Long recalled proudly. "I had never taken a case against a poor man and have not done so to this day." Huey had a populist tinge to him from the start and, at the age of twenty-two, led a fight against a new Louisiana state law limiting the money a worker could receive from his employer if injured on the job. Long took his case to the state senate and spoke in its behalf. The bill eventually passed, but Huey Long did not gather a positive impression of the legislature. "It was my first time to have seen a legislature in session," he observed. "The formalities, mannerisms, kow-towing, and easily discernible insincerities surrounding all of the affairs of the session were, to my mind . . . disgusting."

Young Huey Long was eager to get into politics but was underage to run for most



"I used to try to get things done by saying 'please,' " explained Huey P. Long. "That didn't work and now I'm a dynamiter. I dynamite 'em out of my path." *Martin Luther King Library* state offices. Then, he discovered that, by oversight, no minimum age had been set for state railroad commissioner. He threw his hat into the ring and carried on a colorful campaign by automobile, still a rarity in elections in 1918. He won the race and immediately began to shake up the state's political establishment.

As commissioner, Long lit out after the Standard Oil Company and other large corporations, which were exploiting the petroleum wealth of the state but not bearing their share of the tax burden. He also campaigned to limit the power of the utility companies and force them to lower their rates. On the strength of these popular issues, Long ran for governor when he was just thirty years old. He lost, but polled an impressive share of the vote for a relative newcomer to statewide politics. No sooner had the ballots been counted for that losing race, however, than Huey Long began running for governor, looking to the 1928 election. This time, he spoke out vigorously all over the state, ridiculing his opposition and promising better roads and highways, free school books, and better schools and hospitals. This time, at the age of thirty-five, he won.

It is doubtful that any governor has so dominated his state as Huey Long did from 1929 until he came to the Senate in 1932. Even then, he concentrated power in his own hands to an unprecedented degree, taking control of the various state administrative commissions and skillfully using his patronage powers to whip them into line. Under Governor Long, Louisiana schoolchildren received free textbooks, an extensive system of paved highways was built, and taxes on the state's oil and gas industries were increased to pay for his programs. Conservative opposition to Long rallied in the state legislature, and the state house of representatives voted to impeach their governor, but Long rallied his supporters in the senate and defeated the attempt to remove him from office. Huey Long also took his case directly to the people, effectively using the radio to build public support and elect his own candidates to the state legislature. After the failed impeachment attempt, Long took a much tougher stand against his opponents. "I used to try to get things done by saying 'please,' " he said. "That didn't work and now I'm a dynamiter. I dynamite 'em out of my path."

Governor Long's handling of the Louisiana legislature presented an amazing spectacle. He attended committee meetings to tell the legislators what he wanted, sometimes asserting himself in a dominant manner. Long would then be present in legislative chambers, shouting instructions to his floor leaders. Once, under his direction, the state senate passed forty-four bills in a two-hour period. His opponents called him a dictator, but Long's behavior had the approval of the voters. During that terrible period of depression, they wanted strong leadership, and Long was offering it. At the legislative session in 1931, the opposition succeeded in defeating Long's plans for a more extensive highway program. Long responded that he would take the issue to the people as a candidate for the United States Senate. If elected, he explained, he would remain at his job as governor long enough to put the highways under construction and assure that the work would be finished even if it required that the Senate seat be vacant for several months. In this fashion, he converted a campaign for the U.S. Senate into a plebiscite on concrete highways. In 1930, Huey Long was elected to the United States Senate. The Senate did not meet until December 1931, however, and, even then, Long lingered in Baton Rouge, running his state before turning the nominal leadership over to his successor, Alvin King. Huey Long was not sworn in as a senator until January 1932, nearly two months after the Seventy-second Congress had begun.

Unlike James Byrnes, who believed in keeping quiet and learning rules, Huey Long came to the Senate determined to break with tradition and use the floor of the Senate to project his further ambitions. Long's relations with his state's senior senator, Edwin Broussard, were somewhat unusual, to say the least.

Broussard had been elected with Long's support. In fact, according to Long, Broussard, a south Louisiana Catholic, had actually conceded defeat in his quest for the Senate only to learn to his surprise that he had been elected by virtue of a strong showing in the north Louisiana Bible belt, where Broussard had expected to do poorly. The surprise was the result of Long's efforts on behalf of Broussard.

When Long announced his candidacy for the Senate, Broussard had made a statement of support for his colleague, three-term incumbent Joseph Ransdell, causing Long to make a broadside response to Broussard. Long served notice on Broussard that if Long was elected to the Senate, he would personally see to it that Broussard was not reelected—and he did see to it.

When Long came to the Senate, he had no intention of having his colleague from Louisiana escort him down the aisle to take his oath. He was escorted by the Democratic Leader, Joe Robinson. Breaking tradition, of course, drew additional notice to the freshman senator. Long also broke the rules that day by carrying a lighted cigar as he walked down the center aisle, placing it on the Democratic Leader's desk while he took the oath. For Joe Robinson, this was an omen of difficult times to come. Meanwhile, the new senator from Louisiana went about the chamber, slapping the backs of staid members and congenially throwing his arm over the shoulders of senior senators. Everyone knew that the Kingfish, as he liked to be called, had arrived.

"I do not talk one way in the cloakroom and another way out here," said Senator Long on the floor. "I do not talk one way back there in the hills of Louisiana and another way here in the Senate." No, indeed, Mr. President. Very quickly, he made it clear to other members of the Senate, as he had to the people of Louisiana, that he considered the concentration of wealth the cause of the depression and the greatest problem before them.

On April 14, 1932, in the very depths of the depression, the Senate was considering a message from President Hoover on the need to balance the budget. "You want to balance the budget?" Long asked incredulously. "I tell you, that if in any country I live in, despite every physical and intellectual effort I could put forth, if I should see my children starving and my wife starving, the laws against robbing and stealing . . . would not amount to any more to me than they would to any other man, when it came to facing the time of starvation." Instead of balancing the budget, they should be talking about redistributing the wealth, Long declared, and he proposed higher income and inheritance taxes on the wealthy. The American dream was fading, Long warned the Senate. "This great and grand dream of America that all men are created free and equal . . . this great dream of America, this great light, and this great hope, have almost gone out of sight in this day and time, and everybody knows it; and there is a mere candle flicker here and yonder-to take the place of what the great dream of America was supposed to be." Long's proposal to share the wealth was viewed as one of the most radical proposals ever made in the United States Senate; however, within a few years, the trend toward social welfare programs and high graduated income and inheritance taxes moved the nation very sharply toward the general direction he had been advocating.

When Long made his maiden speech entitled "The Doom of America's Dream," he shocked conservatives by identifying himself as a "dangerous populist." Democratic Leader Joe Robinson took the floor to express his disagreement. The following morning, the front page cartoon of the *Chicago Tribune* pictured, in color, Long as a Communist, dressed in Soviet attire, parading with a Russian flag while Joe Robinson stood draped in red and white stripes of the American flag.

Long brought the newspaper to the floor and discussed the cartoon. Referring to Robinson draped in the flag, he asked, "Where are the stars?" He then produced a copy of the *Martindale-Hubbell Law Directory*. Referring to Joe Robinson's law firm in Arkansas, he proceeded to read a list of corporate clients represented by the firm. "Now I do not say that just because a man is being paid by the special interests, that would influence his activities as a U.S. Senator. Oh, no."

At that point, a senator invoked the rule of the Senate which forbade a senator from reflecting badly upon the conduct of another member. Long was required to take his seat.

When permitted to proceed, Long then stated that, as a governor, he had never felt that someone should seek his favor and then fight against him. Therefore, he explained, he was resigning his committee assignments in view of the fact that Joe Robinson had obtained them for him.

The media of that day referred to the resignation from committees as a foolhardy thing to do. Actually, it suited Long's plan very well, because it left him free to spend a great deal more time on the Senate floor where he was constantly a factor to consider.

More conservative senators did not worry at first about Huey Long. "We always have a wild man," one senator remarked. "We let him blow off steam—and then tame him." But not Huey Long. By the end of April, he was ready to take on his own party's leadership. Senator Long, as his biographer T. Harry Williams perceived, "viewed the Senate primarily as a forum from which he could advertise Huey Long to the country."

The Kingfish had the White House in his sights. In Louisiana, he had drawn attention to himself by attacking the Standard Oil Company; in Washington, he would do the same by attacking Senate Democratic Leader Joe Robinson.

Senator Long's resignation from his committee assignments told much about his relationship with this institution. He was not a man to bargain and wheedle in the cloakrooms, or to sit patiently through endless mark-up sessions waiting his turn to insert a technical amendment. He thought in terms of the grand sweep of larger issues, and he operated best when he had an audience—the larger, the better. Even later in his Senate career, when he attended committee meetings, Huey Long would sit staring at the Brumidi cupids on the ceilings. (This was when the Interstate Commerce Committee still met in the Capitol Building.) "He marched to a different drummer," a Senate staffer of that era observed. "He was not a working senator, he was a speaking senator, he was a state-side senator."

The staff, by the way, loved to sit in the gallery and listen to Huey Long speak. He had an erroneous reputation for being a clown, for talking of "potlikker," and telling regional stories. But he was an amazingly gifted speaker, who could talk on almost any subject with a minimum of preparation.

The late Senator Harley Kilgore, some years ago, represented West Virginia in the United States Senate along with the late Senator M. M. Neely. Once Kilgore, who came from my own Raleigh County, said to me that Senator Long would come to the breakfast or lunch table where other senators were sitting and would say, "Well, now, gentlemen, what do you want to discuss today?" He could talk on any subject, and at length. I remember Kilgore saying, "And he had an unlimited amount of brass." I have never forgotten that statement by Senator Harley Kilgore.

Huey Long spoke rapidly in the vernacular of the South, but in perfect grammatical form. His ideas and sentences were always connected. Senator Arthur Vandenberg, who stood politically on the opposite pole from Long, greatly admired his speaking. As a former editor who took pride in writing his own speeches, Vandenberg would come to the chamber when Long was speaking, and sit back with a smile on his face because he was listening to a master of English, even if he disagreed with everything Long was saying.

Those who enjoyed hearing Huey Long speak had plenty of opportunity to do so, for he spoke a lot. The Senate is an institution where a single senator, no matter how much in the minority, can influence legislation simply by holding the floor and talking or filibustering. In January 1933, Huey Long filibustered against a banking bill introduced by Virginia's Senator Carter Glass, which Long saw as increasing the power and advantage of the larger banks. He called for the reading of the *Senate Journal,* read from the Bible, delivered something of a sermon on concentrated wealth, and then began reading documents in a maddeningly slow pace. The Senate went into evening session, but on plowed Huey Long. "Imagine ninety-five senators trying to out-talk Huey Long," commentator Will Rogers quipped. "They can't get him warmed up." In the end, a cloture motion was adopted, but not before Long had won inclusion of an amendment limiting the branch system of national banks, his objective from the start.

One commentator pointed out that the Senate thought it could haze Huey Long into submission, but he had been hazing senators ever since he arrived. He was the perfect filibusterer, never losing his composure but becoming more jovial the nastier the opposition became. His humor angered them all the more. At times, he was known to walk behind some of his stuffier colleagues in the chamber, mocking their movements. He forever taunted Joe Robinson, but, one day, he also took after the conservative chairman of the Finance Committee, Pat Harrison of Mississippi. Senator Kenneth McKellar from Tennessee, the presiding officer, threatened to clear the galleries. Senator Alben Barkley, trying to help McKellar, objected that the spectators should not be punished. "When the people go to the circus, they ought to be allowed to laugh at the monkey." Immediately, Huey Long was on his feet, objecting, "Mr. President, I resent the unwarranted remark on the part of the Senator from Kentucky directed toward my good friend, the Senator from Tennessee." Watching performances like that, other senators decided the wisest course of action was not to confront Long in debate. "Frankly, we are afraid of him," one Democratic senator told a reporter. "It's like challenging a buzz saw. He will go the limit. It is safest for me and the rest of us to leave him alone."

There was always method to Long's madness, as other senators learned. Once, during one of Long's many filibusters, Senator Hugo Black of Alabama interrupted while Long was reading a recipe for creole gumbo. "How long does it take that stuff to cook?" Black asked. "This recipe," Long replied, "takes as many days, weeks, months, and years, sir, as it has the energy to bubble." Black asked if there was not something they could throw into the pot to make it edible more quickly, like some special kind of shrimp. But shrimp, Long replied, would not do the job, as "it takes whale meat to change the cooking time." "Surely not the whole whale, Senator," said Black. "No, Senator, just the choice part." And, indeed, when the senators agreed to give Long the "choice part," he ended the filibuster.

Huey Long sponsored few bills while in the Senate, and was never a legislative draftsman. I do not know of any senator who is a legislative draftsman, nor do I think that I have seen one during my years in the Senate. In the early years, senators actually drafted their own bills. That was before senators had their own clerks and staffs. Of course, I know what is in a bill that is drafted for me because I indicate what I want in the bill, as do other senators. But the actual writing of complex bills is done by expert draftsmen, the Senate legislative counsel, and others—not by senators.

As I said, Huey Long was never a legislative draftsman, but he made his mark, nonetheless. He allied himself with the progressives in the Senate, and pushed the Democratic majority and the Roosevelt administration in the directions he sought. Historians credit the threat of a Long presidential candidacy with encouraging Franklin Roosevelt to institute a second New Deal in 1935, particularly Roosevelt's tax package of June 1935. Knowledgeable persons, including the late Lyndon Johnson, credit Roosevelt's decision to recommend the Social Security Act to the Huey Long threat.

Today, a six-foot eight-inch bronze statue of Huey Long stands in Statuary Hall within this building. It was unveiled in 1941. He was the Outsider who scorned the rules and folkways of the institution, but still made it dance to his tune.

As I have enjoyed reading much about Huey Long in the biography by T. Harry Williams, I am often led to think fondly about our own colleague here, Senator Russell Long, as we see him walking on the Senate floor and putting his arm around a senator and talking in his ear. It is just one of the many things I have seen Senator Russell Long do that reminds us of Senator Huey Long, whom I never saw but about whom I have read.

I certainly commend to my colleagues the reading of the biography *Huey Long*. As we read, we see much about Huey Long reincarnated in Senator Russell Long. Surely, no more brilliant senator ever sat in this chamber than Senator Russell Long or his father, Senator Huey Long.

Mr. President, Senator Huey Long was shot at Baton Rouge, Louisiana, on September 8, 1935, forty-nine years ago tomorrow. He died on September 10, 1935.[2]

HUGO L. BLACK: THE INVESTIGATOR

Strange as it may seem, Mr. President, the duties of a United States senator were not always as rigorous and demanding as they are today. Once, there were actually breathing spells in the schedule, times to stop and read and reflect. A senator would be elected in November and not take his seat for over a year, until the following December, and even then, the work was light. Hugo Black of Alabama spent his first year in Washington, in 1927, waiting for the Congress to get down to business. Having given up his law practice, he devoted himself to some serious reading, and, as his biographer Gerald Dunne describes it, "made the Library of Congress his post-graduate school." Black read extensively in economics, politics, and government, beginning with Adam Smith's *Wealth of Nations* and moving through the works of Thomas Jefferson, John Adams, and other Founding Fathers. He read Plutarch, Suetonius, Seneca, Cicero, and Livy. He studied Montesquieu, Rousseau, Locke, Spencer, and Veblen. He read the records of

Senator Hugo L. Black investigated the "high-powered, deceptive, telegram-fixing, letter-framing, Washington-visiting $5,000,000 lobby." *U.S. Senate Historical Office* the Constitutional Convention. What an education, and how it showed in Hugo Black's forty-year career in Washington!

It took a while, however, for his Senate colleagues to recognize the potential of this newcomer to the minority side. When he rose to deliver his maiden address, just four senators sat lounging in their chairs on the floor. Mrs. Black, wearing a new dress purchased for this special occasion, was dismayed at the small turnout, and asked an elderly doorman in the galleries how this could be. "These new senators are always bores," the doorman replied. Those who heard Black's quick, incisive manner, his gentle southern accent and good humor, and his wealth of knowledge had not wasted their afternoon. Hugo Black was on his way to becoming a very impressive United States senator.

Hugo Black used to say that no one who knew him as a boy would ever have thought he would get beyond his small, rural county in the hill country of east-central Alabama. Hugo Lafayette Black was born in Clay County, Alabama, in 1886, the last of eight children of a Confederate army veteran and shopkeeper. Family tradition says the boy was named for Victor Hugo. Young Hugo Black received his early education at the age of six as a spectator in the local courthouse listening to the lawyers argue cases, a pastime he enjoyed more than playing games. In school, he excelled at all his work, especially declamation. Here was a boy naturally bound for the courtroom, and for politics.

Hugo moved from the one-room Spring Hill Academy to the local Ashland College, a combination high school-junior college, and then briefly enrolled in the Birmingham Medical College. His heart was in the law and not medicine, however, and, after a year, he switched to the University of Alabama Law School. In 1903, that was less impressive than it might seem; Black found it easier to qualify for the law school than for the undergraduate liberal arts program. The law school was something of a stepchild of the university, having a faculty of two professors and a class of twenty-three students; however, it set Hugo Black on his way as a lawyer and, eventually, a senator and one of our greatest Supreme Court justices.

Black practiced law in Birmingham, Alabama, a major southern industrial city with its great steel mills. There, Black made his reputation as a lawyer for labor unions, in particular, before he became a police court judge in 1911 at the age of twenty-five. Every morning, this job brought him face to face with defendants who were "drunks, petty thieves, crapshooters, dope peddlers, loafers, prostitutes, and those who the night before had been hot-tempered or careless with fists, razors, or switchblades," and, as historian Virginia Hamilton has noted, gave Black "more than an insight into human nature." Black then returned to private law practice before making his run for public office as county solicitor, a race he won, defeating the incumbent, Harrington P. Heflin. In 1917, Black resigned from office to join the army, where he served as a training instructor during the First World War.

After the war, Black returned to his practice as a labor lawyer with obvious political ambitions. It was here that he made a fateful decision that would later haunt his career. Hugo Black joined the Ku Klux Klan. As Virginia Hamilton noted in her study of Black's Alabama years, "Despite his auspicious marriage and financial success, Black, in manner and sympathies, still retained the aura of Clay County at a time when rural farmer and city laborer were finding in the Ku Klux Klan a means by which they might share in political power." Black had several reasons for joining the Klan. One of his favorite professors in college had been Hiram Evans, Sr., father of the Grand Dragon of the Klan.

Black also saw that many of the lawyers with whom he dealt and great numbers of the jurors he faced were Klan members, making his membership an asset to his courtroom success. Many of Black's union-member clients in Birmingham were also Klan members, and he believed he could play a restraining influence on them and on the Klan's use of violence if he were a member. He also had political ambitions that could not be met by the state's conservative political establishment. Another young lawyer of that era, and later a United States senator, John Sparkman, used to tell how the Klan tried to recruit him and how he resisted, even though he knew that it controlled the voting machinery in almost every Alabama county.

In 1923, Hugo Black joined the Klan, and, in 1925, he resigned from it; however, he maintained his close ties with Klan leaders, and they clearly supported him in his race for the Democratic nomination for the Senate in 1926 against the anti-Klan incumbent, Oscar W. Underwood. Joining the Klan was an act he would later come to regret, but, under the circumstances of the times, it was a critical move in promoting his political career. Later, in a Senate debate in 1928, Maryland Senator William C. Bruce, a Catholic, said that he heard "that the junior senator from Alabama owes his seat in the Senate to the Ku Klux Klan." Black responded that it was not true. "I got all the Ku Klux votes I could get," he said, ". . . and all the Catholic votes I could get, and all the Jew votes I could get, and all the Baptist votes I could get, and all the others, and I have no apology to make for it, and I am here representing them."

In debate on the Senate floor, Black demonstrated the "rapier courtroom fencing" that had made him such a successful lawyer. Indeed, we might say that he never stopped acting as prosecuting attorney and police court judge even in the Senate. During the 1920's, Black had avidly read newspaper accounts of Senator Tom Walsh's committee investigations of Teapot Dome. Once he came to the Senate, Black allied himself with Senator Walsh and pursued the role of congressional investigator. At first, these efforts were frustrated by Black's status as a member of the minority party. For instance, he called for an investigation of the United States Shipping Board, which was paying handsome salaries to a large number of attorneys handling very few cases. The Republican majority blocked the proposed investigation but adopted Black's amendments limiting salaries and staff on the board. In 1930, the progressive Republican George Norris, chairman of the Judiciary Committee, invited Senator Black, not a committee member, to sit with one of its subcommittees investigating lobbyists for private power companies seeking to control Muscle Shoals—later to become the public operations of the Tennessee Valley Authority. Black proved a tough and persistent questioner. "We cannot praise the senator from Alabama too highly," Senator Norris told the Senate after the hearings were concluded. "He has been of almost invaluable assistance."

It was only after the Democrats took the majority in the Senate in March 1933 that Senator Black came into real national prominence as a congressional investigator. We do not identify him with any one major investigation, as with Tom Walsh and Teapot Dome; Estes Kefauver and organized crime; John McClellan and labor racketeering; or Sam Ervin and Watergate. Instead, Hugo Black made his name in a series of congressional investigations during the 1930's. Take, for example, his investigation of mail contracts in 1933. At the end of the Hoover administration, Senator Black had gotten a tip that the Post Office Department was rushing to sign one final mail contract before the Republicans left office. This was a ten-year contract to a Philadelphia steamship company for one million dollars a year. Senator Black called this contract "a raid on the public treasury" and a "gross, outrageous, and corrupt fraud." Black's public opposition caused the Post Office to withhold the contract, and it later developed that the Philadelphia company had no ships to carry the mail anyway. With the Democrats in the majority, Black became chairman of the special committee to investigate mail subsidies. His investigations revealed that government subsidies were not necessary for paying mail deliveries, but were used to help American shipping lines compete with cheaper foreign lines. Black charged that the subsidies were going to line the pockets of the shipping line managers and their Washington lobbyists.

Despite Black's persistent and skillful questions and the revelations of shady business operations and sloppy government oversight, the press paid little attention until he turned from steamship to airmail contracts. The airmail investigation hit the front pages, especially when President Hoover's postmaster general testified that he had given orders to burn papers relating to airmail contracts before he left office. Revelations of secret meetings between Post Office officials and airline executives surfaced, as did the use of government subsidies to support private stock deals. The upshot of Black's investigation was President Roosevelt's decision to cancel the airmail contracts and assign the army air corps to handle airmail services. Unfortunately, the air corps was not up to the new responsibilities and new contracts were issued to private companies, but with much tighter government controls. The investigation also led to the Air Mail Act of 1933, which empowered the president to appoint a Federal Aviation Commission to develop broad policy on aviation, and this, in turn, led to the Civil Aeronautics Act of 1938, which created both the Civil Aeronautics Board and the Federal Aviation Administration.

The eminent journalist Raymond Clapper compared Hugo Black favorably to Tom Walsh as a Senate investigator. Whereas Walsh had a "patient, plodding" style, Black was more aggressive. He gave his witnesses the impression that he already had the facts and wished them only to confirm them for the record. He was a hunch player who sometimes fired questions just on chance, and once in a while "he hooks a fish." Then, as Clapper described it, Black "sits back easily in his chair, puffs slowly on his cigar, rolls his large, open eyes quite innocently and with a wise smile, undertakes to refresh the memory of a squirming witness."

In 1935, Hugo Black captured headlines again as chairman of a special investigation of public utility company lobbyists. The administration was sponsoring a public utilities holding company bill designed to break up the giant "power trusts," and a storm of public protest, including thousands of telegrams, had descended on the Congress. Senator Black suspected that lobbyists were behind the effort, and he introduced a bill to require all lobbyists to register their names, salaries, expenses, and objectives with the secretary of the Senate and the clerk of the House. To support his measure, Black subpoenaed lobbyists and executives of the utility companies and records of the telegraph offices. He was thus able to prove that, of some 14,782 telegrams sent to Congress from eleven different places, only 3 were paid for by private citizens. The rest were just the work of a "high-powered, deceptive, telegram-fixing, letter-framing, Washington-visiting $5,000,000 lobby." Not only did Black's investigation lead to passage of the Black bill, but it also contributed to the enactment of the Public Utilities Holding Company Act. As Virginia Hamilton has written, Black's investigations, while supported by other members of the special committees, were really just one-man shows. The chairman was also the chief cross-examiner and publicist. He provided enough dramatic revelations and information to draw large crowds of reporters and get consistently good press coverage. The power to investigate, Senator Black wrote at the time, was "one of the most powerful weapons in the hands of the people," and he demonstrated his skill with that weapon.

By focusing attention on Hugo Black's talents as an investigator, I do not wish to leave the impression that he was not involved in other legislative business. Senator Black was also well known as the sponsor of a thirty-hour bill which would limit the work week to thirty hours as a means of reducing unemployment. In 1937, he was also the Senate sponsor of the Black-Connery bill, which created the Fair Labor Standards Board to improve working conditions, raise wages, shorten hours, and guard against the use of child labor. Some southern senators charged that Black's bill would stifle industry in the South by forcing it to pay the same high wages paid in the North. Senator Ellison D. Smith, better known as "Cotton Ed" Smith of South Carolina, insisted that the lower wages were adequate in the South because its cost of living was lower. Senator Black, waving mill vouchers for abysmally low wages amounting to about eight cents an hour, angrily responded, "I subscribe to the gospel that a man who is born in Alabama, and who can do as much work as a man born in any state in New England, is entitled to the same pay if he does the same work." The bill passed the Senate but seemed destined to be bottled up in the House, until, in a twist of fate, Hugo Black opened the way for its passage.

Black was appointed to the United States Supreme Court, and Alabama Representative Lister Hill ran in the Democratic primary for his seat. Lister Hill campaigned in favor of the Fair Labor Standards bill, saying he could not see why southern workers should not be paid just as well as northern workers, and he won. That convinced other southern congressmen that the bill was popular in their region and tipped the scales in favor of its passage.

President Roosevelt had picked Hugo Black as his first appointment to the Supreme Court, an especially significant act following Roosevelt's tremendous battle and unsuccessful effort to pack the Court with liberal justices. The president wanted a man who sympathized with the objectives of the New Deal, and one whom the Senate would confirm. Who better than a United States senator with a reputation as a liberal and a crusading investigator? Roosevelt did not bring up Black's former Klan membership with him. It certainly was no secret, and opposition newspapers had used it against the senator from time to time, even in editorial cartoons. But his opponents now brought it back to the surface to embarrass him and derail his confirmation. Certainly, it caused a storm in the press. Black would not talk about the subject, except to say he was not then a Klansman. His reputation in the Senate was a strong one, and the issue was deflated. The Senate confirmed Hugo Black as a justice of the Supreme Court by a vote of 63 to 16. A happy Hugo Black sailed for a European vacation.

While he was gone, however, information surfaced that conclusively proved he had been a member of the Klan and suggested that, by accepting a "grand passport" from the Klan in 1926, he had actually accepted life membership. The new Justice Black arrived back in the United States beseiged by newspaper reporters. He decided to take an extraordinary step for a Supreme Court justice and go on the radio to speak directly to the American people. "All his practice at persuasive speaking," wrote one biographer, "to Alabama juries and voters, to Senate colleagues, and by radio to the American people, culminated in this brief talk." Black condemned the concerted campaign to revive prejudice and bigotry by trying to convince Americans he was intolerant of minority groups. He reaffirmed his belief in the Bill of Rights with its guarantees of religious freedom. His Senate record, he said, refuted all charges of intolerance. He never considered the unsolicited passport a membership of any kind.

The speech rallied public opinion behind Hugo Black and it put an end to the controversy. As we know, he went on to spend over thirty years on the Supreme Court, becoming its greatest civil libertarian and defender of the Bill of Rights. No speck of intolerance marred his long judicial career, confirming the wisdom of Franklin Roosevelt's choice for his first court appointment.

Mr. President, James Byrnes, Huey Long, and Hugo Black were just three of the many outstanding senators of the New Deal period. I have discussed them because they were unique individuals and representative of types of senators who have appeared and reappeared throughout Senate history. The Senate, we say, is a continuing body stretching back to the founding of our Republic. But it is also a constantly changing body as each new election sends it new members. Senators such as these three have left their mark upon this institution, and it is only fitting that we stop from time to time to recall their characters and achievements. May we have many more like them.[3]

CHAPTER 27

The Second World War 1941–1945

May 16, 1985

Mr. President, those interested in the history of the United States Senate can always find rewarding information in the *Congressional Directory,* that great catchall of congressional facts and figures. I call attention to the section on statistical information, which, among other things, lists the length of every session of Congress going back to the First Congress in 1789. That first session lasted for 210 days, and the second session for 221 days, both surprisingly high. Their length reflected the problems of inaugurating a new government. After the First Congress, the length of each session declined. Generally, during each two-year Congress, there have been two sessions. Originally, the "long session" ran from the first Monday in December of the odd-numbered year until the following summer and lasted between 150 and 200 days. The "short session," which began in December of the even-numbered year, usually consumed 50 to 90 days and expired on the following March 3. This arrangement ended in 1934 when the Constitution's Twentieth Amendment advanced the start of the annual session to January 3.

Not until the first session of the Thirty-first Congress, from 1849 to 1850, did a session of Congress extend longer than 300 days. This was the time when Congress debated the great issues leading to the Compromise of 1850, about which I spoke earlier. Only four times between 1850 and 1940 did a session of Congress last longer than 300 days; but all of that changed with the third session of the Seventy-sixth Congress, which ran from January 3, 1940, to January 3, 1941—or 366 days—it being a leap year. Since then, year-round sessions have become commonplace in the congressional routine.[1]

The Seventy-sixth and Seventy-seventh congresses were great pivotal points in our history, as both this institution and the nation as a whole plunged into the maelstrom of world war and took on the responsibilities of world leadership. In an earlier address in this continuing series on the history of the United States Senate, I discussed the great debate over foreign policy between the so-called isolationists and internationalists. Although the isolationists had predominated during the two decades following the Senate's rejection of the Treaty of Versailles, world events began to erode their position, and public opinion began to shift away from them. During 1940 and 1941, Congress enacted such critical legislation as the extension of the Selective Service Act and the Lend-Lease Act. But the debate raged on until Sunday morning, December 7, 1941, when the Japanese attack on Pearl Harbor brought the Congress, the presidency, and the nation together as one.

Ten minutes after noon on Monday, December 8, the Senate marched in procession to the House chamber to hear President Franklin Roosevelt deliver a stirring and eloquent war message. "No matter how long it may take us to overcome this premeditated invasion," said the president, "the American people in their righteous might will win through to absolute victory. . . . Hostilities exist. There is no blinking at the fact that our people, our territory, and our interests are in grave danger. . . . I ask that the Congress declare that, since the unprovoked and dastardly attack by Japan on Sunday, December 7, a state of war has existed between the United States and the Japanese Empire." Immediately following the president's address, the Senate returned to its chamber, where Tom Connally of Texas, chairman of the Foreign Relations Committee, introduced a joint resolution declaring war. Connally called for the yeas and nays, but Senator Arthur Vandenberg of Michigan rose to speak. Connally tried to hold him off. "Mr. President, those of us on this side of the Chamber are withholding remarks," said Connally. "I was hoping that there would be no comment." But Vandenberg persisted, and Connally gruffly observed that "of course, the senator has a right to speak if he insists." [2]

One can imagine the scene as the Michigan senator began to speak. All eyes in the crowded chamber were focused upon this leading spokesman for isolationism. Everyone quieted to hear his words. Since four o'clock on the previous afternoon, when he received a telephone call at his Washington apartment telling him of the Japanese attack, Vandenberg had been preparing this speech. The news profoundly affected the senator and changed his perceptions of international cooperation and collective security. "That day ended isolationism," he later commented.[3] Now, on the Senate floor, after denouncing the Japanese attack and declaring the American people united in defense of their nation, he said:

> Mr. President, I am constrained to make this brief statement on my own account, lest there be any lingering misapprehension in any furtive mind that previous internal disagreements regarding the wisdom of our policies may encourage the despicable hope that we may weaken from within. I have fought every trend which I thought would lead to needless war; but when war comes to us—and particularly when it comes like a thug in the night—I stand with my Commander in Chief for the swiftest and most invincible reply of which our total strength may be capable.[4]

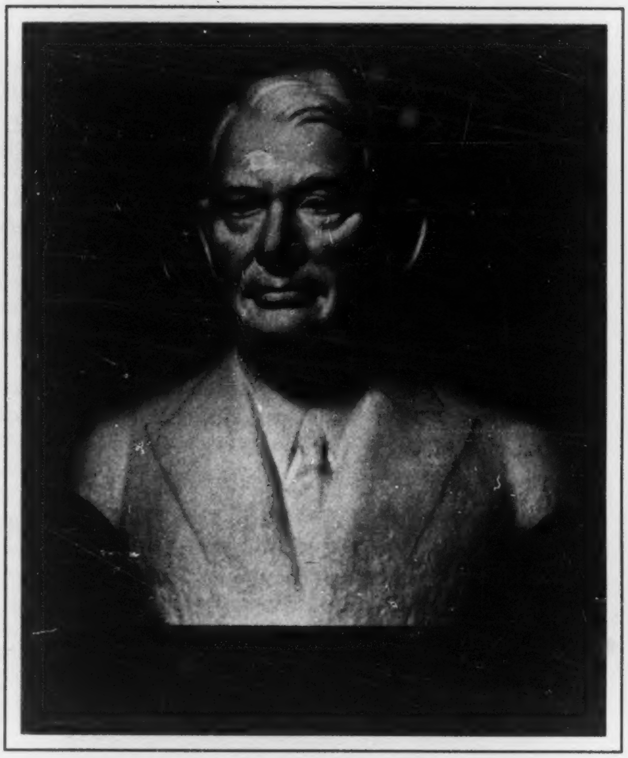
The Senate then voted unanimously for the war resolution. (In the House, a lone vote was cast against the resolution by Representative Jeannette Rankin of Montana, who had also voted against American entry into World War I, and who would end her long career as a pacifist in opposition to the Vietnam War.) With that vote and with Vandenberg's pronouncement, the isolationists' influence in the Senate evaporated. Their trust in an invulnerable "fortress America," protected by two oceans, as Senator William E. Borah and others had reiterated, had been proven misplaced.

Some isolationists had not yet gotten the message. On December 11, Senator Charles Tobey of New Hampshire complained in the Senate that exact American losses at Pearl Harbor were still unknown and demanded a congressional investigation. Senator Scott

Lucas of Illinois furiously lashed into the isolationist. "I say to the Senator from New Hampshire, in so far as negligence is concerned, look at your own record from the standpoint of national defense."[5]

Attention, of course, was no longer focused on the issue of isolationism versus internationalism. What mattered now was winning the war, and the Senate quickly began to address the problem, passing war powers acts in December 1941 and March 1942 that granted vast discretionary powers to President Roosevelt. The president could create and abolish war agencies, control foreign commerce, ration goods, and enforce priorities. The president could also order government seizure of private property if needed for the war effort. Instrumental in passing these bills and other critical wartime legislation was the Democratic Majority Leader, Alben Barkley of Kentucky.

Mr. President, an imposing marble bust of Alben Barkley stands immediately outside the center entrance to this chamber, and it most appropriately occupies that prominent place. Many politicians claim to have been born in a log cabin, but Barkley really was—on his father's tobacco farm in Kentucky in 1877. As a young man, he worked as a janitor to earn his way through Marvin College, and then he attended Emory University and the University of Virginia School of Law. Returning to Kentucky, Barkley practiced law in Paducah and campaigned on horseback in the hills of McCracken County for the office of prosecuting attorney. He then served as a county circuit court judge before his election to the United States House of Representatives in 1912. In Congress, he won a reputation as "a regular among regulars, a party workhorse of the old school." He supported the administration of Woodrow Wilson and took a leading part in the passage of Wilson's New Freedom legislation. In 1926, he sponsored the Howell-Barkley Act, which set up the Federal Board of Mediation and Conciliation for labor disputes. That same year, he was elected to the United States Senate.



The bust of Alben Barkley, Majority Leader during the 1940's, stands outside the Senate chamber.

Architect of the Capitol

"A good story," Barkley liked to say, "is like fine Kentucky bourbon. It improves with age and, if you don't use it too much, it will never hurt anyone." Senator Barkley, with his booming baritone voice and endless repertoire of anecdotes, quickly became a popular member of the Senate. In 1932, Barkley was called upon to deliver the keynote speech at the Democratic Convention, an honor which was repeated again and again during his long career, attesting to his rousing speechmaking ability. At that convention, Barkley was also the first of the favorite son candidates to withdraw his name in favor of Franklin D. Roosevelt. This marked the start of a long and close relationship between the two men.

In 1937, following the death of Senate Majority Leader Joseph Robinson, President Roosevelt sent a letter addressed to "Dear Alben" encouraging Barkley to take up Robinson's fight for the controversial Supreme Court packing plan and, by implication, to take over as Majority Leader. Roosevelt's endorsement helped Barkley win the Democratic leadership post by a narrow one-vote victory over Mississippi Senator Pat Harrison. It was a costly victory for Barkley, however, and, for some years, he was looked upon more as Roosevelt's "messenger" to the Senate than as a true leader in his own right. Nevertheless, during his early years as Majority Leader, Barkley effectively marshalled support for Roosevelt's program. He helped lead the fights to repeal the Neutrality Act and the Arms Embargo Act and to extend the Trade Agreements Act of 1934. In January 1941, he was Senate sponsor of the Lend-Lease Act, skillfully maneuvering that bill around numerous crippling amendments. With the war came even greater assignments.[6]

Senator Barkley and Senator Prentiss Brown of Michigan took the lead in sponsoring price control and anti-inflation legislation, both of which demonstrated Congress' need to focus on domestic issues, not in spite of, but because of, the war effort. Although Congress had delegated vast powers to the president in the two war powers acts, it did not concede to the administration the sole power to run the war and the wartime economy. Roland Young, in his study *Congressional Politics in the Second World War,* points out how Congress repeatedly attempted to influence wartime policies. "Congress was perhaps less concerned with broad principles of administrative organization," Professor Young wrote, "than with the manner in which the economic position of certain groups and commodities was being affected by the war." With the federal government attempting to regulate and even dictate American production, many groups turned to Congress for help. For example, there were the farmers who needed more agricultural equipment, and the small businesses that feared they would not get a fair allocation of raw materials and supplies. In 1942, after a Senate committee reported that small businesses faced "bankruptcy and chaos along a wide front," Congress set up a Smaller War Plants Corporation to oversee their needs. Congress also passed legislation to provide loans to automobile dealers, who faced ruin as the automobile industry converted from producing passenger cars to making tanks and war planes.[7]

Another domestic issue which the Senate faced, but did not resolve, was that of the poll tax. It may seem strange that, as the nation faced war across both the Atlantic and Pacific, the Senate should be debating poll taxes that were imposed upon individual voters in seven southern states; but the Roosevelt administration, and many liberal Democrats and Republicans, believed it was contradictory to fight a war for democracy abroad while denying it to some people at home. The poll taxes, which amounted to about $1.50 per voter, discriminated against poor white and black voters in these states. In October 1942, the House passed an anti-poll-tax bill, and, on November 13, 1942, Majority Leader Barkley brought the bill before the Senate with a nondebatable motion for its immediate consideration. In response to his outraged southern colleagues, Barkley explained that he followed the precepts of Thomas Jefferson and believed in equality for all people. Despite Barkley's attempts to stave off a southern filibuster, one began over the parliamentary question as to whether the Judiciary Committee had a quorum present when it reported the bill.

One senator had been absent and voted by proxy—which, of course, would be a violation of the rules today that require a quorum of the senators on a committee to be present at the moment it reports a bill or other matter from the committee.[8]

Those engaged in the filibuster, led by Mississippi's Senator Theodore Bilbo, encouraged senators to go home so that an adjournment could be forced in the absence of a quorum. Senator Barkley, however, offered a successful motion to instruct the sergeant at arms to "arrest" eight senators who were still in the city, but had absented themselves from the floor.

Incidentally, Mr. President, I am the last Majority Leader to have offered a motion to have senators arrested and brought into the chamber for the purpose of establishing a quorum. In that instance, Mr. Mansfield, who was then Majority Leader, was in the Far East. I, as the assistant Majority Leader, was acting Leader at that time. Almost immediately, senators began coming in the doors and answering to their names. As a matter of fact, no senator had to be arrested, but those who were outside resting on the couches on that particular night found it the better part of wisdom to come into the Senate quickly and answer to their names.

During the time of the poll-tax filibuster, J. Mark Trice (who later became secretary of the Senate) was the deputy sergeant at arms, and to Mr. Trice fell the unpleasant duty of "arresting" Senator Kenneth McKellar of Tennessee. What follows was delightfully recorded by Richard Riedel, who worked in the Senate press gallery and who published this account in his memoir *Halls of the Mighty, My 47 Years at the Senate*:

> Majority Leader Alben Barkley was determined to get a quorum come what may. "Do you mean Senator McKellar, too?" asked Mark [Trice]. "I mean *everyone*!" answered Barkley. With more than a few misgivings, Mark set out for the Mayflower Hotel to seek the volatile bachelor from Tennessee. When Senator McKellar did not answer the house telephone, Mark enlisted the aid of a hotel official who suggested they get a maid to knock on the door. Obviously the hotel man knew McKellar well! The Senator opened the door at the maid's request to discover Mark Trice outside. McKellar welcomed him and seemed surprised to learn that he was needed at the Senate. Though Mark carried a subpoena in his pocket, it never became necessary to mention it.
>
> The old Senator came along in a friendly spirit, chatting with Mark as though they were on a normal trip together. Then suddenly, as the car climbed Capitol Hill, . . . McKellar put two and two together. He realized that he was about to help the leadership to get a quorum that would foil his fellow Southerners. He stopped talking to Mark. His face grew redder and redder. By the time the car reached the Senate entrance, McKellar shot out and barrelled through the corridors to find the source of his summons to the Capitol in the middle of the night. He was so mad at Barkley that he would not speak to him for months, though . . . Senator McKellar sat beside the Majority Leader in the front row.[9]

As the little story illustrates, Mr. President, majority leaders often stand in the kitchen and feel the heat! Senator Barkley—and Mr. Trice, I might add—both made their amends with Senator McKellar, after he had cooled down a bit, some fifteen months later, and how that occurred I will mention later in this address. Ultimately, Barkley proved unsuccessful in the poll-tax fight, as he could not persuade the Senate to vote cloture against the filibuster. It was not until 1964 that the Twenty-fourth Amendment to the Constitution was ratified, prohibiting the charging of a poll tax in presidential or congressional elections.

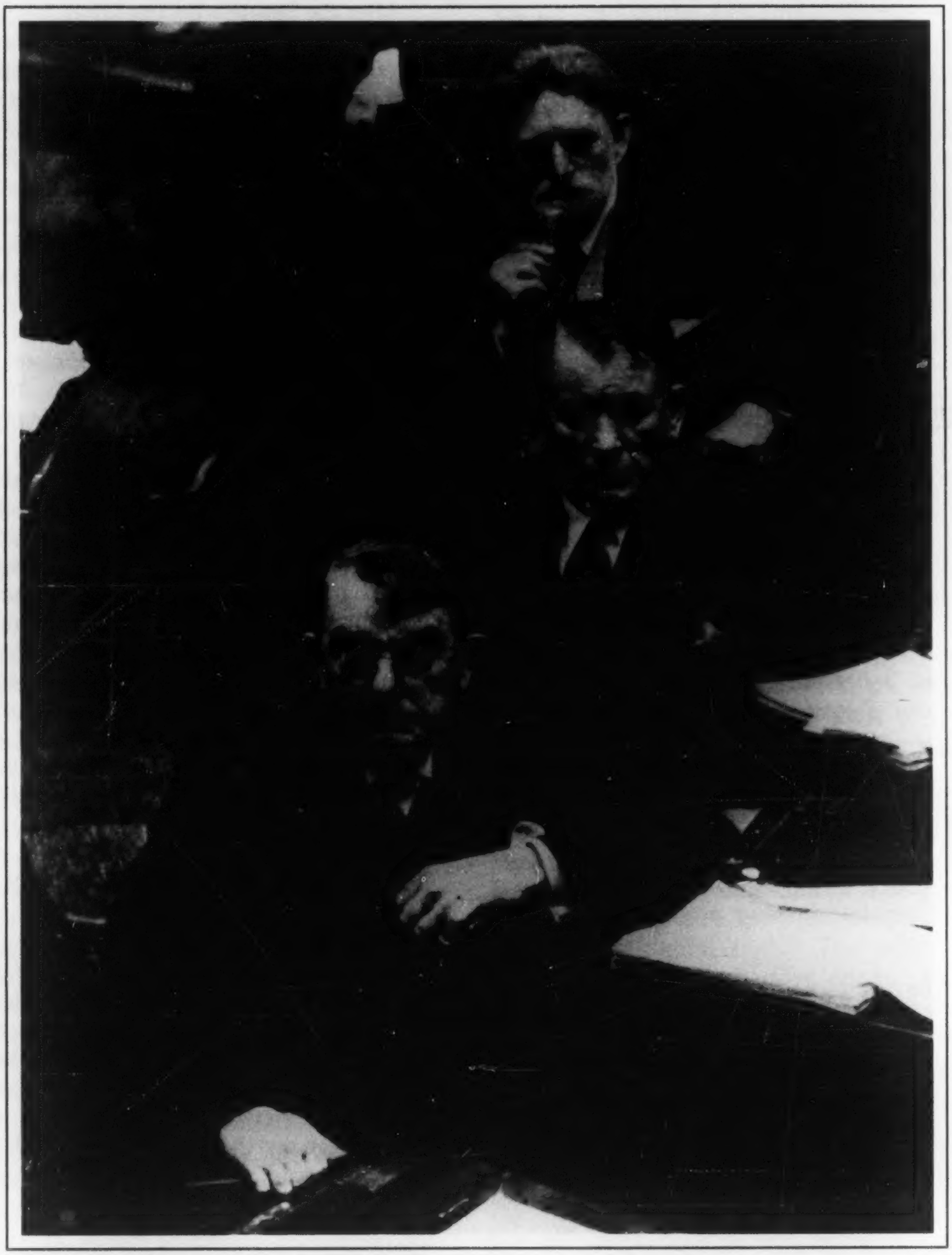
Senator Barkley's strength as Majority Leader, as his biographer, Polly Ann Davis, has noted, was his ability to compromise. "All legislation is a matter of compromise," Barkley once wrote. "I never liked that word 'compromise' because it has a connotation that is not really fair. But I mean by it that all legislation must be by the process of adjustment." A Majority Leader is never guaranteed a majority of votes, but must build a majority, issue by issue, vote by vote. Senator Barkley succeeded in building majorities because "he had an uncanny sense of the possible, knowing when to be adamant on a point and when to yield." He excelled in cloakroom maneuvering and in face-to-face dealings with other senators. He had a reputation for keeping his word.[10]

And, by the way, having served in this body now for going on twenty-seven years, I have found that to be an absolute cardinal principle here. If one breaks his word once, he may never be fully believed again. It is like the old poem about the bird with the broken pinion: it "never soared as high again."

The Democrats held their majorities in both houses after the elections of 1942, although by reduced margins. When Senator Barkley returned to Washington for the start of the new Congress in January 1943, he found his leadership challenged in the Democratic Conference by a still angry Senator Kenneth McKellar. The first question concerned the election of a secretary to the Democratic conference. Senator Josh Lee had been defeated in the recent election, and, to replace him as conference secretary, Barkley nominated Senator Monrad Wallgren of Washington. Senator McKellar nominated Senator Francis Maloney of Connecticut. By a secret ballot, McKellar's candidate won by a vote of 31 to 22. Senator Joseph O'Mahoney of Wyoming then moved that the chairman of the conference—that is, Majority Leader Barkley—assign members to fill the vacancies on the Democratic Steering Committee. Senator McKellar moved that the members of the conference as a whole should vote to fill the vacancies. Here, Barkley drew the line. He reminded his Democratic colleagues that filling vacancies on the Steering Committee had always been the prerogative of the Majority Leader—and, by the way, it still is—and announced that he would resign immediately as Leader if he were stripped of this power. This brought the McKellar revolt to a halt. Again, by a secret ballot, the Democrats defeated McKellar's motion by a vote of 33 to 20 (Senator Maloney, the new secretary, had left the room before the vote was taken).[11]

Back in the saddle, Alben Barkley continued pressing the president's program. He fought against the Smith-Connally Anti-Strike bill, which made it illegal to strike against a plant that had been seized by the government. The bill passed and was vetoed by President Roosevelt, but was eventually enacted over the president's veto. No matter what the issue, Barkley was there—at the desk from which I speak now—fighting the good fight for the president's program. Reporter Allen Drury, who came to cover the Senate in November 1943, and who has left us a fascinating diary of those years (*A Senate Journal, 1943–1945,* a worthy companion to his popular novel *Advise and Consent),* looked down at Barkley from the galleries and described him as acting "like a man who is working awfully hard and awfully earnestly at a job he doesn't particularly like. Sweat almost visibly stands out at times on the man the President once addressed as 'Dear Alben.' "[12]

Few would have suspected that a fissure was about to open between President Roosevelt and his loyal lieutenant, but a mighty one was in the making. In his State of the Union message in January 1944, the president requested a $10 billion tax bill to pay for the war. The Senate Finance Committee produced, instead, a $2 billion tax bill. Senator Barkley had been a member of the Finance Committee, and, while not entirely satisfied with the bill, concluded that it was the best that could be gotten at that time. In two meetings with President Roosevelt, Bar-



Senate Democratic leaders, *bottom to top*, Kenneth D. McKellar, Alben W. Barkley, and J. Hamilton Lewis were photographed at their desks in the Senate chamber. *Office of Senator Robert C. Byrd* kley strongly urged him not to veto the tax bill. After meeting with the seemingly unmovable president, a glum Barkley rode back to the Capitol with Vice President Henry Wallace. "What's the use?" Barkley complained. "I can't get the votes in the Senate under the methods that are being followed." Wallace noted that this was the first time he had ever seen Barkley "look on the dark side of the picture." It was clear that the chief executive had no intention of signing the tax bill, but Barkley still hoped Roosevelt would let the bill become law without his signature. But, on February 22, 1944, Roosevelt returned the bill with his veto message.[13]

Immediately following the traditional reading of George Washington's Farewell Address, the Senate received the president's message and was shocked by its tone. Essentially, the president rejected the legislation for providing insufficient revenue, but he did so in language which Alben Barkley and other senators found offensive. This bill provided "relief not for the needy but for the greedy," Roosevelt wrote.

> It has been suggested by some that I should give my approval to this bill on the ground that having asked the Congress for a loaf of bread to take care of this war for the sake of this and succeeding generations, I should be content with a small piece of crust. I might have done so if I had not noted that the small piece of crust contained so many extraneous and inedible materials.

The president then went on to accuse Congress of

> using language in drafting the law which not even a dictionary or thesaurus can make clear. . . .
>
> I trust, therefore, that the Congress, after all these delays, will act as quickly as possible for simplification of the tax laws which will make possible the simplification of the forms and computations now demanded of the individual taxpayers. These taxpayers, now engaged in an effort to win the greatest war this nation has ever faced, are not in a mood to study higher mathematics.

After the Senate adjourned that day, Senator Barkley met with the press and recounted for them, "in a cold fury," as one reporter described it, how he had argued with the president against the veto. He told them that he intended to make a speech in the Senate the next day "without regard for the political consequences." That night, he went home to discuss his decision with his invalid wife and then sat before a battered typewriter in his bedroom drafting his speech. The next morning, he dictated another draft to his secretary and then marched to the Senate floor at noon.

As Allen Drury has recorded, every reporter who could possibly attend was in the gallery. "All the bureau chiefs rushed up from downtown; most of the special correspondents were there. As Barkley sat at his desk waiting for the quorum call to be completed, he glanced up from time to time with an almost questioning look at the Press Gallery. He saw it more crowded than he had seen it in many months." Word began to spread among the senators that Alben Barkley intended to resign as Majority Leader. Almost the full membership of the Senate was in the chamber. Kenneth McKellar, Barkley's old adversary, headed for Barkley's desk and shook his hand, urging him to reconsider. At the end of the quorum call, Barkley rose and was recognized by Vice President Henry Wallace.[14]

For the next forty-five minutes, Barkley denounced both the president and his veto message. Barkley denied Roosevelt's charge that Congress was responsible for the tax complexities. "No man could have made that extraordinary statement who had sat in tax committees in the Capitol of the United States," he said.

> If it was made by anybody who ever sat in a tax committee, it was a deliberate and unjustified misstatement in order to place upon Congress the blame for universal dissatisfaction with tax complexities, and in

order to produce the illusion that the executive departments have in vain protested against this complexity.

But what truly raised Senator Barkley's dander was the president's characterization of the bill as tax relief for the greedy. This, the senator said, was a "calculated and deliberate assault upon the legislative integrity of every Member of Congress." He did not intend to take such an insult lying down. He had carried the flag for the Roosevelt administration for seven years as Majority Leader, but there was something more precious to him than that position and honor, said the senator. "And that is the approval of my own conscience and my own self-respect." He announced that he had called a meeting of the Democratic Conference for the next morning, at which time he would submit his resignation as Majority Leader. He then concluded that "if the Congress of the United States has any self-respect yet left it will override the veto of the President and enact this tax bill into law." [15]

When Barkley took his seat, the rest of the Senate and the galleries jumped from theirs and gave him a standing ovation, lasting "a good three minutes." Senators rushed to his desk and stood in line to shake his hand. Senators were on their feet, as Allen Drury observed, "to honor a man who had finally, after many years and many humiliations, reasserted his own dignity and his own self-respect and gained thereby an increased stature among the men with whom he works."

The next morning, more than a hundred reporters and cameramen packed the hall outside Room 201 in the Senate Office Building, surging around senators for a quick statement and photo before they entered the conference. At 10:30, Barkley walked the short distance from his office to the conference room. A half hour later, he stepped out and, with tears in his eyes, announced that he had resigned as Majority Leader and turned the chair over to Senator McKellar. Surrounded by the press, Barkley walked back to his office. Then, minutes later, Tom Connally burst out of the conference room, booming in a loud voice; "Make way for liberty! Make way for liberty!" as he led a delegation of Democratic senators to Barkley's office to tell him they had unanimously reelected him Majority Leader.

Soon they emerged again, this time with Barkley with them. He returned to the conference room to the cheers and applause of the other senators. "By his one-vote margin in the 1937 contest when he was first elected leader," Senator Elbert Thomas later commented, "the impression was given, and it has been the impression ever since, that he spoke to us for the President. Now that he has been unanimously elected, he speaks for us to the President." [16]

Needless to say, President Roosevelt was taken aback by this turn of events. When first informed of Barkley's speech in the Senate denouncing the tax veto, the president had commented, "Alben must be suffering from shell shock." The president was genuinely puzzled over Barkley's emotional response, but he immediately sent a conciliatory message to the senator, denying that he had meant to attack the integrity of the Senate. "You and I may differ," Roosevelt wrote, "but that does not mean we question one another's good faith." The president concluded by urging Barkley not to resign and stating that, if he did, he hoped the conference would unanimously reelect him. Senator Barkley responded in kind, telling the press that he had "the deepest personal affection and regard for the president." [17]

There were several results of this remarkable incident. First, the Senate and House decisively overrode the president's veto of the tax bill. Second, President Roosevelt was never more estranged from Congress, a consequence due, in part, to his long years in the

White House and his preoccupation with the war effort. Third, Senator Barkley gained new stature as Majority Leader. And finally, Senator Barkley lost his chance to be nominated for vice president in 1944 and of becoming president of the United States after Roosevelt's death in April 1945. In the movement at the Democratic Convention in 1944 to replace Vice President Wallace, Democrats turned, not to their Majority Leader, but to another border-state senator, Missouri's Harry S. Truman. And, in one of those special twists of fate in history four years later, President Harry Truman would choose Alben Barkley for his vice president.

Alben Barkley, let me say, served as an extremely popular vice president, or "Veep" as he was affectionately called, and then returned to service in the United States Senate in 1955, defeating a popular incumbent, John Sherman Cooper.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. LONG. I would just add one footnote to what the Senator said.

At the time Senator Barkley returned to the Senate, the Senator from Louisiana was on the Finance Committee and he did not know what other committee he wanted. But he saw Alben Barkley ask for those two committees, and the Senator from Louisiana asked to go on the Foreign Relations Committee, of which I subsequently became a member a couple of years later. Having been on both committees, I do not think it is a very good assortment of committees.

I thought that inasmuch as Alben Barkley had been Majority Leader longer than any other senator, he would make a wise decision as to the committees he asked for. I must say, looking back on it, that I did not regard the decision as being all that wise.

Mr. BYRD. Mr. President, I thank the distinguished senator from Louisiana.

The senator from Louisiana, as I have said before in this series of speeches, is one who has served in the Senate longer than I have served. When I came here in January 1959, there were ninety-six senators and forty-eight states. Today, there are only four senators who were here when I came here. One of those four is my delightful and able friend from Louisiana, Mr. Long.

Senator John Stennis, Senator Russell Long, Senator Strom Thurmond, and Senator William Proxmire were here when I came to the Senate. So I am glad that Senator Long has made the observation regarding Senator Alben Barkley.

Mr. LONG. Mr. President, if the Senator will yield at that point, Senator Barkley was known for his sense of humor—a great impromptu speaker. When someone would tell him a joke, he would make a point of repeating it as promptly as possible, in order to keep it in his mind and add it to his repertoire.

He told one story that might be appropriate and might be good for the Minority Leader. He might want to use it on a future occasion.

Senator Barkley's first wife died, and it created a lot of conversation around the city when he then married a younger woman. She had a family of her own. She was a charming and lovely person, much younger than the vice president. People asked him how the marriage was coming along. He said it was coming along just great. Have they had an argument?

He said: "No difference whatever. My wife and I had an agreement when we married that she would make all the small decisions and I would make all the big ones. So far, we haven't had any big decisions to make."

Mr. BYRD. I again thank the distinguished Senator from Louisiana. That is about the way my marriage is. I call my wife the general superintendent around the house. I am just a lowly private in the ranks.

Mr. LONG. Yes.

Mr. BYRD. While his Senate colleagues in 1955 gave him back his assignments on the Foreign Relations and Finance committees, Alben Barkley would not accept their offer of a front-row seat in the chamber, preferring to join the other freshmen in the back. "Now I am back again as a junior senator and I am willing to be a junior," he said in his last keynote speech, before a mock convention at Washington and Lee University in 1956. "I'm glad to sit in the back row. For I would rather be a servant in the House of the Lord than to sit in the seats of the mighty." With those words, Alben Barkley collapsed and died—as dramatic a conclusion as any orator could offer. As one of his friends commented: "It is the way he would have wanted to go. He never could turn down a crowd." [18]

By the way, two years ago I was pleased to support the bill which established, as a National Historic Site, Senator Barkley's beautiful home, known as Angles, located near Paducah, Kentucky. The house has been left the way it was when he lived there and contains the many mementos of his long career.

Mr. President, having concentrated so much attention on Alben Barkley today, let me turn to another notable senator with whom Barkley's name will forever be linked and who also played a significant role in the Senate during World War II: that is Harry Truman. Nineteen eighty-four was the centennial of Harry Truman's birth—he was born on May 8, 1884—and there was a joint meeting of Congress to commemorate that event. The freshman senator, Truman, who first arrived in this chamber on January 3, 1935, certainly had not the slightest idea that he would be so honored by Congress and by history. The former haberdasher and Jackson County, Missouri, judge was nearly fifty-one when he came to this chamber, but he described himself "as timid as a country boy arriving on the campus of a great university for his first year." With his customary thoroughness, he had read the biographies of every member of the Senate before he arrived, and had studied everything he could get about Congress. He was quite awed by his new position. Old J. Hamilton Lewis, the Democratic whip, welcomed the newcomer to the Senate. "Don't start out with an inferiority complex," Lewis advised him. "For the first six months you'll wonder how you got here, and after that you'll wonder how the rest of us got here." [19]

Truman's colleagues found him an amiable fellow but did not take him all that seriously at first. He was often snidely referred to as the "Senator from Pendergast," meaning that he was a product of the Kansas City Democratic machine run by Tom Pendergast, who later went to prison for corruption. Truman remained loyal to Pendergast, who had given him his start in politics, and supported the Pendergast organization on patronage matters but insisted that he did not follow Pendergast's advice on legislation. "I vote the way I believe Missourians as a whole would want me to vote." Truman's voting in the Senate was generally in line with the New Deal, and roll-call analyses have shown that the longer he served in the Senate, the closer he came to President Roosevelt's position on all of the issues.[20]

Senator Harry Truman was a student of the legislative process. "I found out very soon after I had settled down to a study of my duties that the business of a good legislator is not to get things done quickly and efficiently, as a good administrator has to do," he said, "but to prevent, if possible, the enactment into the law of the land many crazy and crackpot measures." From his associations with Arizona's Senator Carl Hayden, Truman learned to be a "workhorse" rather than a "showhorse" in the Senate. He soon

Senator Harry S. Truman, *center*, chaired the Special Committee to Investigate the National Defense Program whose members included, *left to right*, Homer Ferguson, Harold Burton, Tom Connally, and Owen Brewster.
Library of Congress

found that, as he expressed it, "the real business of the Senate was carried on by unassuming and conscientious men, not by those who managed to get the most publicity." Truman also associated himself closely with Montana's Senator Burton K. Wheeler, chairman of the Interstate Commerce Committee, on which Truman served. There, he devoted his attention and study to matters of railroads, aviation, communications, and federal trade. It was out of Truman's subcommittee, for instance, that the Civil Aeronautics Act emerged, which set up the Civil Aeronautics Board and Federal Aviation Administration.[21]

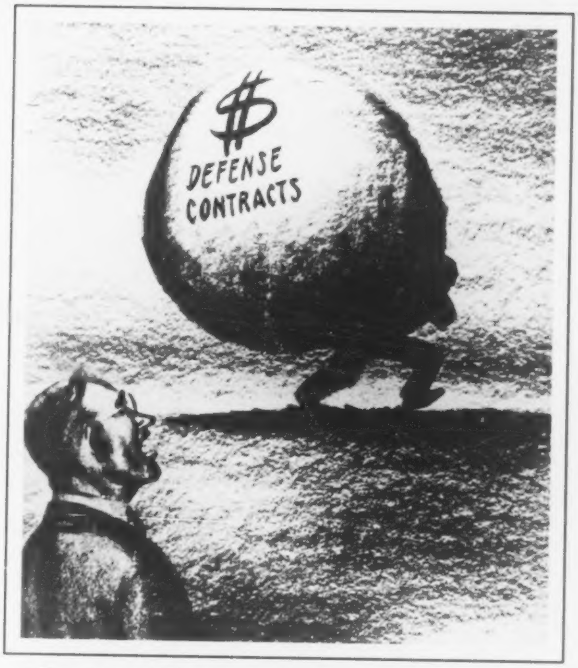
Harry Truman might have remained a quiet, hardworking, and essentially obscure member of the Senate had it not been for World War II. Even before the United States entered the war, Truman was concerned about the problems of defense mobilization and production. He had received many letters from his constituents criticizing defense spending in Missouri, and, on an inspection trip to Fort Leonard Wood and other camps, he had uncovered examples of waste, extravagance, and theft. Individuals and corporations, he suspected, were bleeding the national defense program for their own profit. On February 10, 1941, Truman rose in the Senate to submit a resolution calling for an investigation of the national defense program and the handling of federal contracts. He expressed concern that defense spending was being concentrated in large corporations in the East. "The little manufacturer, the little contractor, and the little machine shop have been left entirely out in the cold. The policy seems to be to make the big man bigger and to put the little man completely out of business." [22]

On March 1, Truman's resolution was reported out of committee and unanimously adopted. Eight members were appointed to the investigating committee, with Truman as chairman. But the Senate cut the proposed budget for the committee from twenty-five thousand to fifteen thousand dollars, indicating it didn't expect much from this special investigation. The Roosevelt administration lent its support, largely because it believed Senator Truman was not a headline hunter and would not use the committee to embarrass or harrass its conduct of defense policy; so, the Special Committee to Investigate the National Defense Program—better known as the Truman committee—was born. Its members were noticeable primarily for their "unspectacular competence," according to one account, and several of them proved to be excellent interrogators of witnesses, from defense contractors to high government officials. One of the best of these interrogators, by the way, was Senator Harley Kilgore from West Virginia, who chaired eight of its investigations and earned a reputation as a critic of military waste and inefficiency.[23]

The Truman committee first directed its attention to nearby Fort George Meade in Maryland. There, they found spiraling camp construction costs, which led them to recommend that future construction be transferred from the Quartermaster Corps to the Corps of Engineers. That was done at a multimillion dollar savings to the government. The committee also began to oversee the activities of the new agencies the president was appointing to handle defense mobilization. When the Japanese attack on Pearl Harbor plunged the nation into war, some government officials hoped that the Truman committee might be disbanded but soon came to change their opinions. Under Secretary of War Robert Patterson commended the committee's work: "Some of the very best features of our war program have their origin from the investigations made by this committee."

Mr. President, congressional investigations have a considerably mixed history. Some of them have been castigated as partisan fishing expeditions and glory hunts. After the McCarthy investigations of the 1950's, such congressional hearings developed a decidedly bad name. But there have been many more constructive investigations than destructive witch hunts in the Senate's history; we recall the Teapot Dome hearings in the 1920's and the Pecora stock market investigations in the 1930's; and, in our own times, the Watergate investigation chaired by Senator Sam Ervin. The Truman committee ranked high among these constructive and meaningful investigations. In its seven years of existence, the committee held 432 public hearings and 300 executive sessions (the transcripts of which have been carefully preserved at the National Archives and are completely open for research). They heard testimony from 1,798 witnesses, made hundreds of field trips, and issued thousands of press releases. [24] Here, for example, is a brief account of the committee written by two journalists in 1945:

> Through the door of Room 449 in the Senate Office Building, the committee headquarters, flowed a strange assortment of mail and people. A typical day might bring an eccentric inventor with a gadget; he said the Army and Navy had given him the brush-off. He would be followed by a manufacturer who thought his product had been discriminated against by the Quartermaster General. A maker of mouthwash for the Army couldn't get priorities for alcohol; a dry kiln owner couldn't get a government contract for his



Shouting "Halt, who goes there?" Senator Truman kept a watchful eye on defense contracting.
Fitzpatrick/St. Louis Post-Dispatch

> lumber; or an industrialist accused a competitor, now holding a dollar-a-year job in WPB [the War Production Board], of using his official position for private ends. And every day there was an assortment of government officials, labor representatives, lobbyists, and occasionally a plain citizen with an idea he hoped might help the war effort. Some came in search of a new shoulder to cry on; others looked to Truman as a court of last resort. None was turned away coldly.[25]

The Truman committee investigated and prodded industry, labor, and the executive branch to work more harmoniously and efficiently for the war effort. It investigated the aluminum monopoly that seemed unresponsive to military needs. It looked into a bitter dispute between the United Mine Workers and the coal operators. It encouraged President Roosevelt to reorganize the poorly run Office of Production Management. The committee pointedly did not meddle in military strategy, but it carefully examined the relations between the military and the civil government. The committee demanded full cooperation from the military in supplying the information it sought, and in only one instance did Senator Truman back down on a request. Committee staff investigators discovered some unexplained expenditures for something called the Manhattan Project. Truman telephoned Secretary of War Henry Stimson to demand an explanation, but the secretary responded, "I am only one of a group of two or three men in the whole world who know about that. . . . It's part of a very important secret development." Senator Truman replied, "I herewith see the situation, Mr. Secretary, and you won't have to say another word to me." It was not until after he became president that Harry Truman learned the purpose of the Manhattan Project: to develop the first atomic bomb.[26]

Mr. President, it is no exaggeration to say that Harry Truman's work on the Special Committee to Investigate the National Defense Program not only made him president, but it also prepared him for the presidency. By the time he had completed his four years as chairman of the committee, Truman had dealt with nearly every one of the groups in business, labor, agriculture, and the bureaucracy that he would face as president during the next nearly eight years. He had learned how to deal with the press, although that relationship was never a smooth one. The press, in turn, had made Truman a household name. Service on the Truman committee changed his image from the "Senator from Pendergast" to that of a fair, tough, hard-working, diligent, persistent, patriotic senator.

When the Democrats sought a replacement for their controversial vice president, Henry Wallace, in 1944, Senator Truman filled the bill. He was a compromise candidate because, unlike Wallace or Alben

The Truman committee, which prodded industry, labor, and government to work together for the war effort, is shown meeting in the Senate Caucus Room. *Harry S. Truman Library*

Barkley or James F. Byrnes, he had no major groups opposed to his candidacy; so it was Harry Truman who ran with Franklin Roosevelt in the president's bid for a fourth term in 1944. Roosevelt and Truman easily beat the Republican ticket of Thomas E. Dewey and John Bricker, and Harry Truman settled in for what he expected would be four years of presiding over the Senate.[27]

The United States Senate was presented with myriad problems during the Second World War, so complex and extensive that I can list only a few of them here. They included supervising the conversion of a peacetime domestic economy to a war economy; establishing controls over military and industrial production; regulating the draft and deciding who were the essential workers needed for the domestic economy (farmers and defense workers, for example); appropriating money, both for the war effort and the homefront; tackling the issue of labor strikes during the war; deciding how soldiers on the field should be able to vote; controlling wages and prices to prevent spiraling inflation; distributing scarce resources to the civilian population through rationing and other formulas; and raising taxes to pay for the great needs of the war.[28] In the case of taxes, it was during the Second World War that much of our current structure of revenue raising developed. After ratification of the income tax amendment in 1913, taxes were levied only on the highest incomes, and the average citizen paid little or no federal taxes. Due to the great demands of the war, this situation changed in 1942, and taxes were levied on nearly all levels of income. The problem was that the average citizen had not put aside sufficient funds and was simply unable to pay his or her taxes. The rate of default was so high that the government eventually had to forgive the 1942 taxes, but, the next year, income tax withholdings from salaries were established and have become a way of life ever since.[29]

Mr. President, I have focused this address largely on the domestic side of World War II. Of course, the Senate as a whole—and through its appropriate committees—followed, assisted, oversaw, and criticized both the military and diplomatic sides of the war. Beginning in January 1942, Senator Tom Connally, chairman of the Foreign Relations Committee, initiated the practice of having a State Department official brief members of the committee on a weekly basis. Senators also expressed their concerns over the principles for which this nation fought in this global conflict, and the type of world order that would emerge from the war. In March 1943, Senators Joseph Ball, Harold Burton, Carl Hatch, and Lister Hill—two Republicans and two Democrats—introduced a Senate resolution committing the United States to five peace objectives: to assist in coordinating the military and economic resources of all member nations in prosecuting the war against the Axis; to establish temporary administrations over Axis-controlled territories once they were captured; to administer relief and economic rehabilitation to both Allied and captured enemy territories; to establish procedures and machinery for peaceful settlement of disputes and disagreements between nations; and to provide for a United Nations military force to suppress future acts of military aggression. This resolution, foretelling the postwar United Nations, was referred to a subcommittee of the Foreign Relations Committee chaired by Walter George of Georgia.

Time and events had changed many minds in the United States Senate about the proper role of this nation in the world. Arthur Vandenberg, a leading isolationist before the war, became a member of the George subcommittee and noted in his diary in March 1943 that he took the position "that the United States obviously must be a far greater international co-operator after this war than ever before." The Roosevelt administration, through Secretary of State Cordell Hull, urged the subcommittee to "go slow," however, to avoid an acrimonious debate on the Senate floor. There were still articulate isolationists left in the Senate who worried them, and the administration did not want to disrupt the war unity of the nation. Of course, there were also many uncertainties involved in the postwar future that this resolution did not address. The Soviet Union had become one of our allies when the United States entered the war, and, while we provided that nation with military and economic aid and counted heavily upon its military forces to withstand the German onslaught, many senators were suspicious of Joseph Stalin's territorial expectations after the war. But the sponsors of the resolution argued that the first priority was to assure America's allies that this nation would not withdraw into isolation after the Second World War as it had done after the First World War.

In May 1943, British Prime Minister Winston Churchill addressed a joint meeting of Congress and delivered yet another magnificent address, pleading with Congress to avoid any needless arguments between the Allies until the war was won. Later, Churchill met with the members of the Foreign Relations Committee to answer their questions. When asked by Senator Vandenberg if Allied unity would be disrupted by "trying prematurely to settle peace objectives," Churchill replied emphatically, "*Yes*." Similarly, when asked if any Senate debate over possible Soviet territorial aggrandizement might be a hazard to the war partnership, Churchill responded, "*Yes*." Later, however, Churchill took Vandenberg aside to assure him that he did not oppose the general resolution then before the George subcommittee.

In July 1943, Senator Vandenberg and Senator Wallace White of Maine introduced a "Republican foreign policy" resolution in the Senate as an alternative to the Ball-Burton-Hatch-Hill resolution. It called for postwar cooperation between sovereign nations, in opposition to the designs of "One Worlders" and "World Staters" who dreamed of a common international government, and it called for "faithful recognition of American interests" in all postwar planning. Senators Ball, Burton, and Hill responded in Senate speeches, demanding that the George subcommittee act on their resolution and act quickly. In a private letter that August, Vandenberg explained that he was "hunting for the middle ground" between those "who would cheerfully give America away" and those "who would attempt a total isolation." When it came to determining Republican foreign policy issues, no senator was more influential than Arthur Vandenberg, and it was clear that how he made up his mind and where he found that "middle ground" would influence many other members of his party. Fortunately, for those interested in how historic decisions are made, Senator Vandenberg faithfully kept a diary which was published after his death, and from which I have drawn this account.[30]

At last, in October 1943, the George subcommittee completed its work. Into the original Ball-Burton-Hatch-Hill resolution, it incorporated some of the concerns of the Vandenberg-White resolution, pledging the use of the "constitutional process" and concern for "American sovereignty." The debate was as acrimonious as the State Department had feared, but the opponents remained a decided minority; the resolution was adopted by an 85 to 5 vote. When the dust had settled, Senator Connally stood to thank Senator Vandenberg for his valuable contributions to the drafting and passage of the resolution. "Being of the minority party," said Connally, "it was probably more difficult for him than for some of the rest of us to go along with the main purpose we had in view, but at all times he manifested a very earnest desire to cooperate, and he gave to the committee wholeheartedly of his talents and leadership in achieving agreement and unity on the resolution."

Senator Vandenberg's public conversion from isolationism to internationalism was a slow, deliberate, and exceedingly important one. From his call for national unity immediately following the Japanese attack on Pearl Harbor, through his support for the Senate resolution which pledged American support for a future United Nations, Vandenberg was moving toward a position of bipartisan internationalism. In foreign policy, even more than in domestic policy, some degree of bipartisanship is always essential, not only to unify the nation but also to secure the necessary two-thirds of the Senate needed to consent to ratification of a treaty. Rarely can a majority party do that without help from the minority party. Vandenberg stood as the bellwether for a substantial number of the Republican minority.

Senator Vandenberg, as his son later commented, was about to make "the biggest decision of his life." In January 1945, the magazine *United States News* (forerunner of *U.S. News and World Report*) reported that Republican leadership in the Senate was "virtually powerless on postwar foreign policy." The Republicans were still too divided between isolationism and internationalism and, therefore, had "little effect on the foreign policy." Arthur Vandenberg sat down at his typewriter to draft a response. He wrote several versions of the speech and accepted revisions from such prominent journalists as James Reston and Walter Lippmann, incidentally insuring the speech prominent attention in the press.

On January 10, 1945, Senator Vandenberg rose in this chamber to deliver a "speech heard round the world." "Mr. President," he began, "there are critical moments in the life of every nation which call for the straightest, the plainest, and the most courageous thinking of which we are capable. We confront such a moment now." After describing the way American war policy and postwar policy ought to be directed, Vandenberg delivered a personal confession. He admitted that he had once stood for the nation's complete self-reliance:

> But I do not believe that any nation hereafter can immunize itself by its own exclusive action. Since Pearl Harbor, World War II has put the gory science of mass murder into new and sinister perspective. Our oceans have ceased to be moats which automatically protect our ramparts. . . . If World War III ever unhappily arrives, it will open new laboratories of death too horrible to contemplate. I propose to do everything within my power to keep those laboratories closed for keeps.

Vandenberg went on to pledge his support for "maximum American cooperation" with other nations in building the postwar world.

The specific proposals of Senator Vandenberg's address proved less important than its general impact and reception. It attracted newspaper headlines everywhere in this country and around the world. His speech symbolized a new national unity on foreign policy, a bipartisan approach, a belief that politics would henceforth stop at the water's edge. What he said was not particularly new, but, coming from a leader of the prewar isolationist bloc, it represented a major turning point in American political and diplomatic history.[31] I shall discuss the full implications of this turning point for bipartisanship in a later address on the Senate and the cold war, but, for now, let me quote the words of Allen Drury who, from the press gallery that day, heard Vandenberg's address. "This placed the Republicans' most powerful spokesman on foreign affairs far out in front of both his own party and the leaders of the opposition. It augured well for the future of the peace treaty." [32]

Mr. President, when Arthur Vandenberg delivered that significant address, Harry S. Truman sat in this chamber as a United States senator. Ten days later, he was sworn in as vice president, in a wartime inauguration held, not at the Capitol but on the south portico of the White House. Truman enjoyed his new position as vice president, although he admitted that it took him a while to get used to the fact that he had no voting or speaking privileges in the Senate. In his eighty-two days as vice president, he had the opportunity to vote only once—on an amendment to limit the Lend-Lease extension bill. The vote was tied, and Truman voted no, which, in a sense, was unnecessary since the bill would have died even without his vote. Truman was not given many tasks by the Roosevelt administration and saw little of the president, who, in February, attended the Yalta Conference and, in April, traveled to his retreat in Warm Springs, Georgia. On April 12, 1945, Truman sat at the presiding officer's desk listening to "a windy Senator" delivering a long address and writing a letter to his mother and sister back in Missouri. "I have to sit up here and make parliamentary rulings—," he wrote, "some of which are common sense and some of which are not." [33]

Near 5:00 p.m., Truman adjourned the Senate and strolled through the Capitol Building to the "board of education" room on the first floor beneath the House chamber. There, he planned to enjoy a glass of bourbon and chat with his old friend, House Speaker Sam Rayburn, and other congressmen. Before Truman arrived, Speaker Rayburn received a call from the president's press secretary, Steve Early, asking the vice president to call back as soon as he got there. Moments later, Truman walked in the door. Matter-of-factly, Rayburn told him of the call, which he made. As Truman spoke on the phone, the House parliamentarian saw

Democrat Tom Connally and Republican Arthur Vandenberg led the movement for a bipartisan foreign policy.
Library of Congress

the vice president's face turn pale. "Steve Early wants me at the White House immediately," Truman said. "Something must have happened." Not yet realizing his fate, Truman rushed out, eluding his Secret Service guard and ran the length of the Capitol back to his office. As instructed by the press secretary, he told his chauffeur to drive him not to the east entrance of the White House, as usual, but through the main entrance on Pennsylvania Avenue.

Ushered into the family quarters at the White House, Truman met Mrs. Roosevelt. "Harry," she said quietly, "the President is dead." Stunned into speechlessness, Truman finally found his voice and asked, "Is there anything I can do for you?" "Is there anything *we* can do for *you*?" she responded. "For you are the one in trouble now." [34]

So, Harry Truman, who arrived in the United States Senate ten years earlier feeling like a country boy attending a famous university, was president of the United States. The next day, Truman returned to the Senate to lunch with congressional leaders in the office of the secretary of the Senate. He groaned to Senator George Aiken, "I'm not big enough for this job." When he left the luncheon, Truman walked into the Democratic cloakroom. "I looked into the empty Senate Chamber," he later wrote. "These were the surroundings in which I had spent ten active, happy years. In a way it had been my political home, and here I had experienced the most exciting adventure I had ever expected to have. Less than twenty-four hours before, I had been presiding over the Senate. But now I was President of the United States and had to return to the White House."[35]

For Senators Harry Truman, Alben Barkley, and Arthur Vandenberg, their colleagues, and their nation, the years of the Second World War were dramatic turning points, but none of them anticipated how harrowing would be the years to come.

CHAPTER 28

Congressional Reform: The Legislative Reorganization Act of 1946

June 17, 1985

Mr. President, when we think back to the nineteenth-century Senate, we can easily conjure up images of senators who enjoyed sufficient leisure to do their own research, draft their own legislation, and write their own lengthy speeches. Most members had no other office space than their desks in the Senate chamber or in their boardinghouse quarters near the Capitol Building. Today, the sites of many of those boardinghouses are covered with House and Senate office buildings where members have quarters that only barely seem to accommodate the increasing requirements of their diverse constituencies. In the middle of the last century, members who required staff assistance purchased it out of their personal funds during the usually abbreviated legislative year.

After World War I, demands on members' time and attention escalated rapidly as improved means of transportation and communication brought the electorate and the elected into greater proximity. As the national government assumed a greater role in the lives of everyday citizens, pressures on Congress multiplied. And, as the 1920's gave way to the Great Depression and the New Deal era of the 1930's, Congress demonstrated increasing inability to legislate with the deliberation and expertise that had characterized its course during the seemingly less complicated nineteenth century.[1]

Congress had slight opportunity to dwell on matters of internal organization and support during the depression and New Deal years. By 1940, however, many members were becoming painfully aware of the fate of representative bodies around the world at the hands of totalitarian regimes. Many recognized that a strong, effective Congress was the best protection against executive tyranny, foreign and domestic. Later that year, House Speaker Sam Rayburn warned that the ability of our democracy to survive was directly related to the ability of Congress to balance demands for adequate discussion against demands for prompt and effective action. Rayburn stressed the necessity of independent "technical competence" as the foundation of a solid legislative program. "A great national legislature cannot safely rely on the technical assistance and advice which private interests are willing to provide." [2]

Jerry Voorhis, a Democratic representative from California, was an early and persistent critic of Congress' inability to maintain a strong and coequal role in the federal system. He warned that the future of constitutional government would be in jeopardy unless Congress insisted on exercising its traditional responsibilities with a force and vigor equal to that of the Franklin Roosevelt administration.[3]

Congress, in 1941, was ill-equipped to accept the Voorhis and Rayburn challenges. At that time, of every seven dollars it authorized the federal government to spend, Congress spent only one cent on itself. Its thirty-two-hundred-member staff was predominantly clerical and custodial, with not more than two hundred persons who could be considered legislative professionals. Senators were often required to use their office clerks as the principal staff of any committee they chaired, thus ignoring professional competence as the foundation for committee staffing.[4] This situation encouraged the traditional practice of creating additional committees as sources of prestige, office space, and extra staff for their chairmen.

On the eve of Pearl Harbor, Congress remained reluctant to supply itself with independent sources of expertise. Librarian of Congress Archibald MacLeish argued in vain for increased funding of his Legislative Reference Service. He justified his request on the assumption that the Congress had the right to "scholarly research and counsel in law, and history and economics at least equal to that of people who come before committees" from the executive branch and private interest groups.[5]

Strong opposition in the House of Representatives killed MacLeish's hopes of revitalizing his understaffed and obscure reference service. In the Senate, in June 1941, a similar fate awaited a measure introduced by Senator A.B. "Happy" Chandler of Kentucky. Chandler proposed that the Senate allow each member to hire one research expert at a competitive salary. His proposal died because many senators apparently believed it would establish a cadre of political assistants who would eventually be in a position to compete for their jobs.[6] The opposition had deep roots in the members' self-image. Congressmen feared the public would view the appropriation of tax dollars for staff experts as an open confession of members' inability to carry traditional legislative burdens.

American entry into World War II escalated the already severe pressures on Congress. During Roosevelt's first two administrations, Congress alternated between the roles of acquiescent provider and stubborn critic. Its effectiveness varied inversely with the intensity of a particular crisis. In the months after the attack on Pearl Harbor, observers became increasingly critical of what appeared to be congressional intransigence, tolerable during peacetime but unforgivable while at war. In January 1942, a *New York Times* editorial greeted a returning Seventy-seventh Congress with the warning that it must "show itself more alert and efficient" than the previous session if the United States hopes to win the war without "needless loss of time and treasure and lives." [7]

Fragmentation of the committee structure generated particular criticism. Early in 1942, Arthur Krock, the *New York Times* columnist, expressed a common frustration at the amount of time wasted by executive branch officials in appearing repeatedly before committees the jurisdictions of which frequently overlapped or duplicated those of other committees. Commerce Secretary Jesse Jones appeared eighteen times before as many different committees to deliver his standard two-hour speech. Krock suggested in vain that the eight military oversight committees be merged into a single House-Senate war inquiry unit. Senators tended to view these joint committees as potential threats to the Senate's "appellate" role in the legislative process. House members, too, had been traditionally wary of joint meetings, fearing that better-known and more politically secure senators would receive the lion's share of the credit while representatives would do the lion's share of the work.[8]

Early in 1942, Congress made an ill-starred effort to assert and strengthen its members' prerogatives. After minimal debate, the House and Senate passed bills extending Civil Service pension eligibility to the legislative branch. At the same time, they gave each member the option to buy unlimited gasoline at a time of strict rationing. An instant storm of protest arose over the so-called pension grab and the gasoline x-card issues. Spearheaded by the Junior Chamber of Commerce, Americans responded angrily to what they saw as a brazen act of self-aggrandizement by their elected representatives. The Jaycees instituted a Bundles for Congress program to collect old clothes, discarded shoes, and assorted trash for the apparently destitute and avaracious members. Sensitive to criticism in an election year, members quickly reversed themselves rather than argue that these "privileges" did not exceed those that executive branch employees already enjoyed.[9]

By mid-1942, Congress was in what one national magazine called a "touchy mood . . . more angry and disturbed than at any time in modern political history." [10] Members lashed out with defensive statements showing their frustration at being the public's whipping boy for wartime controls and regulations imposed by executive branch authority. Speaker Rayburn thundered that he was "damned tired of having Congress made the goat for everything." [11] Senator Joseph O'Mahoney demanded that the executive branch stop expanding its powers by "interpretation." [12] Senator Walter George of Georgia observed that "castigating Congress seems to have developed, of late, into a pernicious national pastime." Taking exception to "indiscriminate sniping and yowling," Senator George called for an end to such "thoughtless disparagement." He reminded critics that the executive, rather than Congress, had the sole responsibility for the conduct of the war. When faced with requests for huge appropriations, "all we can do is to ask, 'Do you really need all that?' Then we grant the funds."[13]

Up to this point, however, proposed remedies to these frustrations had lacked focus and detailed analysis. Early in 1941, the American Political Science Association, under pressure from its Washington members, had abandoned its traditional detachment from reform issues and established a Committee on Congress to study the operation of the legislative branch. The association appointed ten prominent political scientists and public administrators, and named Dr. George B. Galloway chairman.[14] Sixteen months later, the committee released a preliminary report, signaling a new campaign in the war for legislative reform.[15]

At the age of forty-three, George Galloway had established a solid reputation as a gifted scholar and political analyst. In 1926, he had received his doctorate from the Robert Brookings Graduate School of Economics and Government in Washington. The Brookings School was noted for its emphasis on training for research in the "practical problems of government policy." Its curriculum stressed close personal contact with federal officials.

As chairman of the Committee on Congress, Galloway set out to identify members who were sympathetic to legislative reform. In a series of off-the-record monthly dinners, the committee's members encouraged the congressional guests to express their frustrations and ideas. The committee then tried out the members' ideas on various political scientists. Finally, the committee returned to the congressmen to test the resulting syntheses. By mid-1942, an outline had emerged. The committee concluded unanimously that the decline in Congress' prestige and effectiveness was attributable to the "technical nature of modern public problems." [16] Although the imbalance in favor of the executive had been intensified by the unprecedented dominance of foreign and military issues, the committee predicted that the postwar period was likely to generate pressures of equivalent, if not greater, magnitude. The preliminary report focused on eight major congressional handicaps. They included the diversion of attention from national policymaking by local and private legislative demands, the lack of "adequate independent technical advice for lawmaking," the excessive number of committees, and the lack of facilities for sufficient oversight of executive administrative action. The report also cited insufficient clerical support, low pay for members and staff, and unrestrained lobby pressures.

The committee suggested several improvements as a basis for further discussion leading to a final report.[17] It urged Congress to consider at once a reform program that would highlight its deliberative role. Panel members argued that the focus should shift to committee hearings as the heart of the legislative process. They further suggested that the House and Senate hold full legislative sessions in the evening once or twice a week to "ratify" committee decisions. Congress should encourage radio stations to broadcast these sessions, even at the risk of competing with such favorites as the "Quiz Kids," "Information Please," or commentator Raymond Gram Swing. Finally, the committee members recommended that Congress take a four-day recess each month, so that members might return to their districts to capitalize on the radio publicity. They hoped this would increase respect for the members and for the institution.

While senators and representatives were pondering the association's report and planning their respective reelection strategies, President Roosevelt stepped up his campaign to force Congress to act on major administration proposals. On September 7, 1942, he sent a message to both houses recommending the passage of farm price support legislation. He threatened, "In the event that the Congress should fail to act, and act adequately, I shall accept the responsibility, and I will act." [18] The president got the legislation within his three-week deadline.[19]

Despite their compliance, members of the Senate and House were outraged at Roosevelt's tactics. On October 1, 1942, Representative Everett Dirksen of Illinois delivered a speech entitled "What Is Wrong With Congress?" Dirksen asserted that the Congress' low status in the public eye was directly related to its "fear of doing something for ourselves as an institution." Mindful of the pension grab and x-card affairs, he continued, "It is a very natural apprehension, for when we do, we are often at the receiving end of a lot of spicy, derogatory comment that has a great deal of reader interest." Dirksen concluded that the only thing wrong with Congress was that it had "failed to equip itself to cope with growing executive power and the bureaucracy." [20]

As the November 1942 congressional elections drew near, the widely read *Reader's Digest* reinforced Dirksen's point. It reported that only four of seventy-six congressional committees had "expert staffs prepared professionally even to cross-examine the experts of the executive branch." The remainder "trust to their own native amateur intelligence." Concluding with an assessment that no incumbent congressman wanted to hear, the article labeled members "corner store wise-acres in an age of calculating-machine-trained researchers." [21]

On election day, congressional Democrats suffered badly. Republicans gained 47 seats in the House and 10 in the Senate. A number of members had decided to retire, so the net membership turnover within both parties was 106 in the House and 13 in the Senate.[22] Democrats retained narrow control in both Houses. It was clear to the leadership, however, that legislative reform would have a higher priority among a larger number in the new Congress.

In 1943, members introduced an unprecedented number of reform-oriented resolutions, ranging from a frivolous measure to create a Committee to Protect the Integrity of Congress to Dirksen's constructive Select Committee on Congressional Reorganization.[23] These resolutions varied, but most called for an improved method of liaison between Congress and the executive, reorganization of the committee system, legislative scrutiny of executive action, and increased use of experts.[24]

During 1943, six congressmen emerged as leaders in the movement to strengthen Congress. The most active advocates in the House were Estes Kefauver of Tennessee, A.S. "Mike" Monroney of Oklahoma, Dirksen, and Voorhis. Francis Maloney of Connecticut and Robert La Follette, Jr., of Wisconsin led the way in the Senate.

Kefauver spent most of his energy on a proposal to improve communications with the executive. His measure would have established a biweekly "report and question period" during which heads of executive agencies would appear voluntarily before Congress to report on their activities and answer members' questions. Kefauver believed that this procedure, modeled on British parliamentary practice, would promote more effective legislative oversight and do away with "cumbersome and irksome" special investigating committees.[25]

George B. Galloway served as the principal staff architect of congressional reform. *Eilene Galloway*

Like Kefauver, Voorhis was concerned with improving legislative oversight; he directed his attention, however, to strengthening staff resources. Based on his service on the Select Committee to Investigate Acts of Executive Branch Agencies, he concluded that executive agencies exceeded their authority because Congress often failed to define their specific powers and limitations. Voorhis believed that "better sources of information, better staff, and a better direction of the work of its members" would ease this situation.[26]

During 1943, Dirksen and Monroney in the House joined the Senate's La Follette and Maloney to sponsor a series of identical bills to create a Joint Committee on the Organization of Congress.[27] This legislation revealed the clear imprint of Galloway's Committee on Congress. It called for study of the organization, operation, and staffing of each house, the relations between the Senate and House, the relations of Congress to the other two branches of government, and the relations among committees.

In July 1943, Senator La Follette published an article that quickly rallied broad popular support to the less well-publicized reform proposals of the Galloway committee. La Follette cited the frustration surrounding the just-concluded Seventy-seventh Congress, noting that "probably no Congress in recent history suffered so much abuse and public derogation." Referring to the president's 1942 Labor Day ultimatum to Congress, La Follette suggested that it was "time for the American people to take stock of the situation, war or no war."[28] He singled out for special attention the excessive number of committee assignments for members and the problem of poor budget control. He noted that more than half of the Senate's members served on at least six committees, while some served on as many as ten. Finally, he observed that the president's budget bureau received funding three times greater than the combined staffs of the House and Senate's Appropriations committees. His solution, suggestive of the Galloway committee's finding, was to reduce drastically the number of committees and the size of each and to create more joint committees with expert staff. His objective was to allow more time for members to be legislators.[29]

In November 1943, the chances for an effective reorganization appeared better than ever. The *New York Times* carried a front page account of a news conference called by Dr. George Calver, the congressional physician. Calver announced that he would prescribe a "long period of rest and relaxation for an overworked, nervous, and underpaid Congress." The physician, perhaps influenced by those close to the Galloway committee, proclaimed that "a $10,000 salary looks good until after [the member] has paid his taxes, his Washington living expenses, his campaign expenses, and his bills for maintaining a house back home."[30]

A. S. Mike Monroney led reform initiatives from the House in the 1940's and the Senate in the 1960's.
Library of Congress

By early 1944, the Maloney-Monroney bill, as the press called it, had become the reformers' principal vehicle. Congressional Republicans joined the bandwagon, believing that, if the reform issue worked as well in the 1944 elections as it had in those of 1942, they stood a good chance to take control of Congress. Republican Senator Robert Taft speculated publicly that a GOP victory would increase the chances for legislative reform, and that Senate Republicans, out of power for nearly fifteen years, would be willing to reduce the number of committees since they had no chairmanships to give up.[31]

The League of Women Voters also recognized the suitability of congressional reform as an election issue. Galloway assisted the league in preparing a roundtable discussion on the organization of Congress for its 1944 national convention. The panelists included Representatives Kefauver, Dirksen, and Monroney.[32]

In June 1944, while the nation's attention was focused on post-D-day European military operations, the Senate Rules Committee recommended favorable consideration of the Maloney-Monroney resolution. Committee chairman Harry F. Byrd, Sr., stressed the importance of a permanent modernization program, noting that postwar demands would likely be more severe than those of the war years for a Congress geared to a prewar pace. The joint study committee was to have twelve members, six from each house, evenly divided by party. The Senate Rules Committee, sensitive to the prerogatives of each body, stipulated that the panel's recommendations must have the support of at least four members from each chamber.[33]

Preoccupied with demobilization, reconversion, and the summer recess, Congress appeared to be allowing the reform issue to slip away under the pressures of fall election campaigns. In September, Representative Monroney made a radio address to plead for action. He spoke of the crippling effect that Congress' limited resources had over its efforts to oversee the activities of three million executive branch employees. He claimed that Congress was trying to supervise the operation of a $78 billion government with tools fashioned fifty years earlier for a budget less than a half of 1 percent of that size. Monroney compared Congress' Legislative Drafting Service, with its eight employees and $83,000 budget, to the Agriculture Department's legislative section, which, he reported, employed six hundred persons at a cost of more than $1.6 million. The House and Senate Appropriations committees had twelve clerks to examine the entire national budget. Monroney argued that the increased cost of a larger congressional staff could easily be made up by carefully pruning executive budgets. He concluded his address with a plea for quick action on his resolution, noting that, of all the pending reform-related measures, only his was designed to study all of the suggestions.[34]

Representative Monroney got his wish, but not until after the November elections. In mid-December, with four days remaining in the life of the lame-duck Seventy-eighth Congress, the House briefly debated and passed the Maloney-Monroney resolution. The Senate quickly concurred. On the last day of the session, members of the newly established joint study committee readily elected Senator Maloney and Representative Monroney chairman and vice-chairman, respectively.[35]

At the beginning of the Seventy-ninth Congress in January 1945, Francis Maloney's Senate colleagues had come to regard him as a senator's senator—a hard-working, soft-spoken, and nonpartisan mediator of internal Senate disputes. He chaired one of the five standing committees to which he was assigned and served on three other special committees as well as several commissions.[36] He looked on his new chairmanship as a golden opportunity to make inroads against Congress' killing workload.

Death denied Francis Maloney the chance to engage that opportunity. On January 16, 1945, he died of a heart ailment, complicated by influenza and exhaustion.[37] Later that same day, the National Planning Association released yet another survey that documented congressional shortcomings and gave particular poignancy to Maloney's passing.[38] The association, cofounded by George Galloway, had selected Robert Heller, a Cleveland engineer and management analyst, to study Congress from a "practical engineering angle." The Heller report, drafted in part by Galloway, concluded that Congress would lose the public confidence essential to its functioning unless it was strengthened.[39] The report urged Congress to place greater emphasis on major policy issues and less on such details as running the District of Columbia government or dealing with private claims legislation. Observing that Congress was operating "with hand tools in a mechanized age," the report offered fourteen recommendations. They included a 150-percent pay raise for members, a majority and minority legislative policy committee for each house, expansion of staff resources, a report-and-question period, and basic procedural reforms related to the selection of committee chairmen and Senate cloture.[40] Congressional reformers were pleased to have the additional ammunition that the report provided but concluded that it displayed little familiarity with the day-to-day operations and traditions of Congress.[41]

At the start of 1945, the strongest impediments to legislative reform were preoccupation with the final military operations in Europe and the suspicion by senior House members that they had little to gain and much to lose from a change in the status quo. Few could argue in principle with the study committee's concept, but reformers were apprehensive that congressional elders would kill the infant at the hour of its birth. Accordingly, George Galloway pressed his American Political Science Association Committee on Congress to issue its final report with appropriate fanfare in order to push Congress to reauthorize the joint committee for the new session. Early in February, as Allied forces began their final drive on Berlin, the Galloway committee released a refined version of the 1942 preliminary study.

In 1946, Robert M. La Follette, Jr., won passage of his reform bill and lost his reelection bid.

Library of Congress

It asserted that Congress needed to "modernize its machinery and methods to fit modern conditions if it is to keep pace with a greatly enlarged and active executive branch." The committee observed that "this is a better approach than that which seeks to meet the problem by reducing and hamstringing the executive. A stronger and more representative legislature, in closer touch with, and better informed about, the administration, is the antidote to bureaucracy."[42] Several days later, after explicitly removing the joint committee's authority to study matters of rules and procedure, the Senate joined the House in renewing the panel's life. Robert La Follette succeeded Francis Maloney as chairman.[43]

The joint committee quickly named George Galloway as its director and sole staff member.[44] Galloway was well aware of the distinction between getting Congress to study an issue and moving it to effective legislative action.[45] The first of these tasks had consumed four years of his life. He realized that the second would require equal amounts of careful planning and good fortune. The composition of the joint committee gave Galloway reason for encouragement. La Follette, Monroney, and Dirksen offered outstanding reform credentials. Senator Elbert Thomas of Utah, holding a doctorate in Chinese political thought, epitomized the scholar-in-politics. In the late 1930's, he had worked effectively with La Follette on the latter's civil liberties committee. Observers of that earlier body noted that La Follette's style was to probe for facts, grilling witnesses "sharply, steadily, and coldly, working with the . . . precision and power of a steel riveter." Thomas, on the other hand, "genially encouraged witnesses to relax and unbend. He probed for attitudes rather than details, setting witnesses up while La Follette knocked them down."[46] The average length of the joint committee members' congressional service was fourteen years. Four of them had served at least twenty years.[47]

Galloway moved quickly. Several days after his appointment, the joint committee held the first of thirty-nine public hearings. In less than four months, the joint committee heard 102 witnesses, and produced a printed record exceeding fifteen hundred pages.[48] Due to schedule conflicts and the largely record-building nature of the hearings, members' attendance was generally poor.[49] Consequently, Galloway had the responsibility of developing, with little guidance from committee members, recommendations that would survive severe congressional and public scrutiny. One observer noted that Galloway moved into this assignment with "great tact and distinction" and that the "rapport between the dynamic and thoughtful co-chairmen and Dr. Galloway was virtually perfect."[50] Without the creative and wholehearted support of these three men, the joint committee's report would have joined in oblivion scores of other soon-forgotten advisory committee documents.

At the end of the first month of hearings, the nation got a new president. Harry Truman had risen from obscurity to distinction due largely to his role as chairman of an important Senate investigating committee.[51] In April 1945, few knew better than Truman the frustrations of an over-worked, understaffed, and poorly paid Congress. During his Senate years, he had found it necessary to supplement his income by placing his wife on his office payroll.[52]

On the surface, the joint committee could hardly have asked for a better climate in which to work. A new chief executive, the winding down of a long war, and the introduction of the atomic bomb all pointed to a new and uncertain era. Clearly, the times required a stronger and more responsive Congress to check the all too familiar independence of the executive; yet, an overly sympathetic executive might remove much of the force from the reformers' arguments.

Galloway moved quickly to exploit the strategic possibilities of the newly dawning age. He organized an extensive program of public education to generate grassroots support.[53] To civic groups, magazines, radio networks, and film makers Galloway provided arguments, reports, testimonials, and vast amounts of his time. Appreciating the value of the Heller report's brevity and popular focus, he sent eighty thousand copies to newsstands. The League of Women Voters, as a consequence of Galloway's success in providing three key congressmen as speakers for its 1944 convention, placed congressional reform at the top of its priorities list.

Galloway capped his publicity efforts when he engineered a major cover story in a June 1945 issue of *Life* magazine. Entitled "U.S. Congress: It Faces Great New Tasks With Outworn Tools," the article focused on the overburdened congressman "too busy to do the job right." *Life* informed the nation that "with few important exceptions, congressional procedure is the same as it was in 1789." [54]

Galloway did not overlook the educational needs of those in Congress who would eventually vote on the joint committee's recommendations. He compiled and distributed copies of articles and lists of bills related to strengthening Congress.[55] With great tact, he prodded his panel's members to use their influence on other congressmen.

In October 1945, as the joint committee's members struggled over tentative recommendations, Mississippi's Theodore Bilbo, *Life* magazine's candidate for the "worst man in the Senate," conducted a personal three-day filibuster against a bill to repeal land grant railroad rates.[56] Another magazine quoted a nervous representative as fearing that "unless we straighten it [the congressional system] out, the American people are going to straighten us out . . . the people might get too mad and go too far for the public good."[57]

Late in 1945, the Truman honeymoon ended. Congress struggled with issues associated with the United Nations Charter, tax reduction, international monetary reform, and executive reorganization.[58] The congressional physician suggested that each house convene at 1:00 p.m., instead of noon, so that members could "eat a decent lunch." [59]

On March 4, 1946, after nearly a year of study, the joint committee submitted thirty-seven recommendations to Congress.[60] The first category of proposals sought to reorganize the committee structure and improve legislative coordination and accountability. The committee recommended that Congress consolidate its eighty-one standing committees into thirty-four. Each committee would have fewer members, more carefully defined jurisdiction, stronger executive oversight, and four additional staff experts.[61] Additionally, each house was urged to create legislative policy committees. Members of the majority policy committees would serve as a formal council, meeting regularly with the president "to facilitate the formulation and carrying out of national policy." [62]

The second group of recommendations sought to provide improved support facilities for members. They included a major expansion of the Legislative Reference Service, an administrative assistant for each member, and the establishment of a Congressional Personnel Office. The office would reduce the prevailing chaos surrounding employment standards, pay scales, and tenure rights. This category also included a proposed 50-percent pay raise for members, improved legislative budget surveillance, registration of lobbyists, home rule for the District of Columbia, and transfer of noncurrent official records to the National Archives.[63]

Press reaction was generally favorable, although some commentators took the joint committee to task for dodging the "hard questions" of rules and procedure.[64] One noted that even these "mild" recommendations were "being welcomed with less than whole-hearted approval by Congress," and that the joint committee lacked the authority to convert its proposals into legislation.[65]

At this point, La Follette and Monroney effectively took the reins of leadership from Galloway and began the task of salvaging the joint committee's proposals. In the Senate, existing procedure dictated splitting the recommendations and sending them to committees according to subject. La Follette realized that several hostile committee chairmen were prepared to bottle up the proposals indefinitely. Accordingly, he offered a resolution that would convert the Senate members of the joint panel into a temporary legislative committee.[66] Ironically, this was in direct opposition to the joint committee's recommendation to rely on established standing committees rather than limited-tenure special committees.[67] La Follette's promise that the special committee would submit no proposal to change Senate rules convinced the Senate to grant his request. In mid-May, sensing growing support for action in the face of continued legislative chaos and the 1946 elections, La Follette succeeded in placing the bill directly before the Senate for action.[68]

On June 6, 1946, the Senate began debate. One newspaper noted that the legislation faced a triple threat of "pride, patronage, and politics."[69] By approving the bill, members would acknowledge that they could not do it all by themselves; they would stand to lose treasured patronage positions; and many of them remained reluctant to be in the position of voting themselves increased benefits in an election year.

Debate centered primarily on the patronage threat and the pay raise. La Follette gradually yielded on both issues. On June 10, 1946, he broke an impasse by dropping the proposal to set up a personnel "czar" and by cutting in half the amount of the salary increase. He held fast, however, on the reduction of committees, the "keystone of the arch of this whole plan."[70] The Senate then quickly passed the bill by a margin of 49 to 16.[71]

The bill moved to the House. There it rested for six weeks on the Speaker's desk. Monroney and Dirksen used their considerable skills in attempting to negotiate the conditions of its movement to the House floor where it enjoyed majority support. Speaker Rayburn, despite earlier support for reform, recognized in the bill extensive challenges to his autonomy. Policy committees would rationalize the murky decision-making process and fix accountability.[72] The House of that day, far more than the Senate, was controlled by its leadership. Rayburn realized that procedural uncertainty worked to his advantage. Establishment of party policy committees would undermine that advantage and strike at his power to resolve difficulties by appointing special committees or deciding among various disputants.

The bill's managers reluctantly agreed to the Speaker's condition that the policy committee provision must be dropped. They exercised a bit of political legerdemain by cutting in half the five-thousand-dollar salary increase and then granting each member a tax-free twenty-five-hundred-dollar "expense allowance." Galloway called Rayburn's eleventh hour maneuvers "an astonishing piece of political piracy . . . a travesty on the democratic process."[73]

On Thursday, July 25, 1946, as a second atomic test took place at Bikini, Monroney and Dirksen resisted a hailstorm of floor amendments to secure House passage by a vote of 229 to 61.[74] Senator La Follette was then faced with a major tactical decision. If he tried to reconcile the Senate bill with the weaker House version, it would have spelled certain defeat for the entire program. He had simply run out of time. The following day, members were beginning to drift away from the sweltering capital. Soon, Congress would probably lack the necessary quorum to con-

At the White House, members of Congress watched as President Truman signed the Legislative Reorganization Act on August 2, 1946. *Eilene Galloway*

tinue its work. La Follette, therefore, presented the weaker bill on July 26, and the Senate readily agreed to it. Several days later, on August 2, President Truman signed the measure, calling it "one of the most significant advances in the organization of Congress" since its establishment.[75]

Mr. President, I shall now turn briefly to a discussion of the short-term accomplishments of this landmark piece of legislation. Its framers had, as I have indicated, three basic objectives. These included a fundamental streamlining of the committee structure, development of a professional staff, and greater legislative control of the federal budget process. The reorganization act succeeded for the most part in the first two areas and failed in the latter. The measure, despite its supporters' earlier hopes, did not address matters of floor procedure or structural changes in relations between the legislative and executive branches.[76]

The act sought to reduce the jurisdictional confusion that resulted from a proliferation of committees. It did so in two ways. First, it eliminated obsolete committees and consolidated others. This reduced the number in the Senate from thirty-three to fifteen, and in the House from forty-eight to nineteen. Under the act, senators were assigned two committees instead of as many as nine. Representatives served on one instead of five. Of course, the reduction in the number of standing committees was offset by an expansion in the number of subcommittees, but the reformers contended, with some merit, that members would be able to concentrate their energies in more carefully focused subject areas. The Senate sought to prohibit establishment of special committees, but the House successfully fought that provision in the act's final version; nonetheless, both chambers severely limited the creation of special committees. In 1946, there were twelve such panels in Congress. Three years later, only one existed. The reorganization act also sought to reduce jurisdictional confusion by carefully defining each committee's legislative responsibilities. For the Senate, these definitions were incorporated into Rule 25 of the Senate's rules.

In a move to restrain autocratic chairmen, the act required committees to set regular meeting days, to open a majority of sessions to the public, and to keep transcripts of hearings. Committee chairmen were obligated to bring bills to a final vote, and to ensure that measures approved with a majority of committee members present be reported promptly to their respective houses. Witnesses were directed to submit written testimony in advance of their appearance before committees, thereby allowing members sufficient time to prepare questions.

The act's second major contribution was to expand and improve the quality of committee professional staff. It authorized each standing committee to appoint four professional and six clerical staff members. Previously, committee staffs had divided their labors between committee work and constituency services for individual members. The change promoted growth of technical expertise that reinforced Congress' investigatory role in the years following World War II. To further strengthen congressional staff resources, the act upgraded the Legislative Reference Service to a separate department within the Library of Congress, doubled its appropriation, and provided for creation of a staff of senior specialists in subject fields roughly equivalent to those of the standing committees. Significantly, these specialists were to be paid at a rate comparable to that of their counterparts in the executive branch. Finally, the act expanded the bill drafting service available through the office of Legislative Counsel. It is important to note here the indispensability of such a facility for ensuring Congress' independence of executive dictation.[77]

The principal failing of the 1946 Legislative Reorganization Act came in its efforts to provide more effective control of the federal budget process. The measure established a Joint Budget Committee, consisting of the members of the Senate and House Appropriations committees and the Senate Finance and House Ways and Means committees. That panel was given responsibility for preparing annual estimates of federal receipts and expenditures. These estimates were to be tied to a concurrent resolution placing a limit on annual appropriations. Unfortunately, the joint committee, with more than one hundred members, proved too unwieldly to operate effectively. It was unable to obtain accurate spending estimates early enough in each fiscal year to apply them to specific agency funding requests. Consequently, this procedure was abandoned after 1949. In the decade that followed, the Senate, on five different occasions, passed legislation to reestablish the joint committee, but, each time, the House defeated the measure as a threat to the prerogatives of its Appropriations Committee.[78]

The Legislative Reorganization Act of 1946 contained a number of other important reforms, including a pay increase for members, bringing their salaries from $10,000 to $12,500 per year, and a $2,500 tax-free expense allowance. It also finally brought members under the provisions of the Civil Service Retirement Act; it created the Daily Digest section of the *Congressional Record*; and it established a procedure for the registration of lobbyists, requiring them to file quarterly spending reports with the secretary of the Senate and the clerk of the House.

There were several reforms, desired by the Senate and opposed by the House, that were dropped from the final version but immediately embodied in subsequent legislation. The first was a provision for establishing Senate majority and minority policy committees.[79] A second important reform permitted senators, for the first time, to hire administrative assistants.

Mr. President, the significance of the Legislative Reorganization Act of 1946 is that it began, rather than completed, a process of institutional self-evaluation that continues today. The process it set in motion led to the establishment in 1965 of another Joint Committee on the Organization of Congress, chaired by Mike Monroney who, by then, had moved to the Senate. The work of that body came to fruition with the passage of the Legislative Reorganization Act of 1970 and other reforms that I shall discuss at another time.

CHAPTER 29

The Cold War 1945–1953

July 8, 1985

Mr. President, in April 1945, Adolf Hitler committed suicide and Benito Mussolini was killed by Italian partisans. In the United States, during that same month, President Franklin D. Roosevelt died suddenly of a cerebral hemorrhage, after twelve years as president through the Great Depression and World War II. On April 25, 1945, representatives of some fifty nations opposed to the Axis powers met in San Francisco to plan for a new world organization, the United Nations. World War II was ending, political leadership in America was changing, and people were looking toward a new world order. But, rather than an era of peace and security, the victors of the Second World War faced a new and perhaps more ominous war—the cold war and the threat of nuclear war. During the next eight years, the United States built the defensive alliances and established the policies that have dominated our foreign relations ever since.

The purpose of my remarks today, in my continuing series of addresses on the history of the United States Senate, is to discuss the role of this institution in the early and critical cold war years.

Despite the increased workload during the war, the Senate was still a relatively small, old-fashioned institution in 1945, lacking both the mechanisms and the mind-set to handle the problems of the modern postwar world. The assistant secretary of state for congressional relations during the Seventy-ninth Congress was Dean Acheson, who has described most vividly in his memoirs the "clubby" atmosphere in which the Senate dealt with foreign policy. Insiders in the House gathered in Speaker Sam Rayburn's "board of education" room on the first floor of the Capitol Building to talk informally and plan strategy. The comparable meeting place on the Senate side was the private dining room of Secretary of the Senate Leslie Biffle, a room now designated S–224. There, wrote Acheson, the

> genial Majority Leader, Alben Barkley of Kentucky, presided, while Biffle, the silent, smooth, friendly Secretary of the Senate, the most knowledgeable operator on the Hill, acted as chief of staff. Solemn, courteous, and kindly Walter George of Georgia, the Nestor of the gathering, usually put seal on a decision by his pronouncement at the end of a rambling discussion over "bourbon and branch water" or lunch. Barkley and Biffle invited those who might be especially wanted, and others wandered in more or less regularly from the Senate floor at about noon. Sometimes Biffle, I, or one of the senators gave a luncheon.

The regulars in this group included Carl Hayden and Ernest McFarland of Arizona, Millard Tydings of Maryland, Burton Wheeler of Montana, Theodore Francis Green of Rhode Island, Lister Hill of Alabama, and Scott Lucas of Illinois. These Democrats were often joined by Republicans Arthur Vandenberg of Michigan, Robert La Follette, Jr., of Wisconsin, and Wallace White of Maine. Interestingly, Acheson never saw Harry Truman in these gatherings, either as a senator or vice president. Tom Connally, the Democratic chairman of the Foreign Relations Committee, was also absent from this "inner club," because his sharpness of tongue made him an "uncomfortable colleague."

While all powerful men, the senators of the inner club could not insure passage of legislation. "The leadership . . . helped those who helped themselves," Acheson recalled. "Self-help included not only the basic committee work, the hearings, and work with the committee staffs on their reports, but also the initial canvassing of members' voting predilections. Here one needed both strong feet and patience." Acheson and Will Clayton, as State Department liaisons, covered the House and Senate office buildings, corridor by corridor, "making . . . talk, and keeping a record of the responses . . . for Skeeter Johnston's always-current voting lists." [1] Felton M. "Skeeter" Johnston was, at that time, the Democratic majority secretary in the Senate.

Acheson's reference to helping committee staffs with their reports was a brief but telling commentary on the nature of Senate committees in general and the Senate Foreign Relations Committee in particular in 1945. At the end of World War II, the Foreign Relations Committee had a staff of three: one full-time employee who took dictation, typed, ran the stenotype machine, and took care of the committee office; and two part-time employees. Francis Wilcox, who came to the committee on loan from the Legislative Reference Service of the Library of Congress in 1945 to accompany the chairman and ranking minority member to the United Nations Conference, has made the following observations about the nature of the staff and its work when he first joined it:

> Now, you can see, at that point there could be no adversary relationship between the two branches of government, because most of the professional work clearly had to be done in the Department of State or in the government somewhere. Speeches had to be written there; committee reports to the Senate were prepared by the executive branch; there was no mechanism really by which the Senate could act independently, or could bring to bear the kind of helpful advice and counsel that a professional staff could bring. . . . Of course, in foreign policy the Congress has to get much of the information it needs from the executive branch anyway, but nevertheless you can see that with a staff of only three—two and a half people—the Senate committee could not function very effectively.[2]

Despite these limitations, in the immediate postwar years the Senate began to reassert more authority in American foreign relations. During the war, with the need for national unity and secret diplomacy, Congress was willing to defer to the chief executive. With the simultaneous end of the war and the death of President Roosevelt, that deferential attitude evaporated. Members of the Senate had less confidence in the abilities of their recent colleague, Harry Truman, and questioned his handling of international affairs. In October 1945, for example, when President Truman announced efforts to reach an international agreement to control atomic energy for world peace, he promised to consult with Congress and to submit any such agreement for congressional approval. Senator Arthur Vandenberg, the leading Republican spokesman on foreign policy, snapped to a reporter: "I should think he would be damned glad to consult with Con-

President Truman met regularly with the leaders of the Senate in 1945 to discuss foreign policy. Here, he is shown dining in the office of the secretary of the Senate during his brief vice-presidential term.

Bernard Hoffman/Life

gress before negotiating agreements. I wouldn't think any one human being would take the responsibility for settling this issue."[3] That same month, the Senate created a Special Committee on Atomic Energy.

Congress especially wanted President Truman and his diplomatic representatives to take a firmer stand against the Soviet Union. The United States and the USSR had been allies against Nazi Germany during the war, but strains in the alliance became immediately apparent in the postwar years as Soviet troops remained in Eastern Europe, and the Soviets showed little inclination to uphold the Yalta agreement and allow free elections in those satellite nations. Soviet policy in the Middle East appeared aggressive and expansionist, and Soviet-dominated Communist parties in Western Europe were growing in strength as a result of postwar economic distress. Because of such Communist behavior, members of the Senate were troubled over American-Soviet negotiations toward international control of atomic energy at a time when the United States enjoyed a nuclear monopoly.

Secretary of State James Byrnes, a former Democratic senator from South Carolina, was pursuing a policy we would later describe as detente with the Soviet Union, but he found himself under fire from the Senate, and even from President Truman. Because he was afraid of White House leaks, Byrnes refrained from sending daily reports to the president concerning his negotiations with the Soviets. Nothing could have more outraged Harry Truman, who wanted to be fully informed and who fumed at Byrnes' independence. Although James Byrnes might have felt *he* should have been sitting in the White House, Harry Truman intended to let him know who *was* sitting in the White House. In the Senate, Arthur Vandenberg was equally upset by Byrnes' failure to consult with the Foreign Relations Committee or to ask his advice. Vandenberg worried that "the very quality for which Byrnes had been best known in the Senate," that is, his ability to reach compromises, would be his undoing in negotiations with the Soviets.[4]

In February 1946, Vandenberg delivered a tough speech on the Senate floor asking "What is Russia up to now?" In it, he demanded that the United States sustain its own democratic purposes as vigorously as the Soviets were advancing theirs. His speech paralleled a "get tough" attitude within the Truman administration—just a week before George Kennan sent his famous telegram from Moscow urging a policy of containing Soviet aggression—and set the tone for bipartisan cooperation on a cold war foreign policy. The term *cold war,* I should point out, is attributed to the prominent newspaper columnist Walter Lippmann. When George Kennan's telegram was published under the signature *X* in *Foreign Affairs,* Lippmann rebutted his containment thesis. If the United States unilaterally took upon itself the role of containing Communism, Lippmann argued, then it would have to send troops to every corner of the globe, no matter how remotely strategic, to support every noncommunist government, no matter how despotic and antidemocratic. Lippmann argued his case in a book entitled *The Cold War* in which, among other proposals, he suggested turning Europe into a demilitarized zone. Although Lippmann's ideas were not adopted, the title of his book became a widely accepted reference for the frigid relations between East and West.[5]

The elections of November 1946 marked a great divide, both for domestic politics and foreign policy. After fourteen years in the minority, the Republicans won a narrow majority in the Senate and captured the House of Representatives. Without Franklin Roosevelt in the White House, they seemed destined to win the presidency in 1948. During the Eightieth Congress, President Truman would face a resurgent Republican majority that was bolstered by its alliance with conservative Democrats. Domestically, the Republicans seemed eager to roll back the New Deal. In foreign affairs, they were divided between those represented by Robert Taft of Ohio, who adopted a more isolationist stance, and those aligned with Arthur Vandenberg, representing the internationalists. Taft, however, was far more interested in domestic than foreign affairs and, in his efforts to keep his party united, allowed Vandenberg to keep the spotlight on foreign policy issues. While these changes were occurring on Capitol Hill, dramatic changes also took place at Foggy Bottom where, in January 1947, James Byrnes was succeeded as secretary of state by General George C. Marshall. Marshall's prestige and widespread respect were reflected in the speed with which the Republican-controlled Foreign Relations Committee dispatched his nomination; it took them only twenty minutes to discuss and vote to recommend his confirmation. That same afternoon, the Senate unanimously approved him as secretary of state.[6]

The first crisis facing the new secretary and the new Congress came only a month later when the British government informed Washington that it could no longer afford to offer financial assistance to the Greek government in its civil war with Communist-led guerrillas. The British government hoped that the United States would take over the burden of supporting Greece and Turkey, but, with the new Republican Congress engaged in cutting both taxes and the federal budget, there was no assurance that Washington could provide the necessary financial assistance. President Truman, however, quickly decided to take on this challenge and called in key congressional leaders for consultation. At a White House meeting on February 27, Secretary Marshall and Under Secretary Acheson briefed senior senators and representatives on the danger of a Soviet takeover in Greece and Turkey, which would place the entire Middle East in jeopardy and directly affect America's national security. Congressional leaders replied that they would support the administration if President Truman would make the same dire predictions in public. As Senator Vandenberg is supposed to have told the president: "If that's what you want, there's only one way to get it. That is to make a personal appearance before Congress and scare hell out of the country." [7]

On March 12, President Truman appeared before a joint session of Congress and delivered the speech congressional leaders wanted over a nationwide radio broadcast. His appeal was for funds to save Greece and Turkey, but his message was broader. "I believe that it must be the policy of the United States to support free people who are resisting attempted subjugation by armed minorities or by outside pressures," said Truman. "I believe that our help should be primarily through economic and financial aid which is essential to economic stability and orderly political processes." [8] Truman then asked for a relatively modest aid package of $400 million in military support. Within two months, Congress had enacted the bill and the United States had entered a dramatic new phase of foreign policy.

Many had doubts about the direction in which we were headed. In response to a worried letter from one of his constituents, Senator Vandenberg responded:

> You ask me whether there is any "precedent" for the action we are taking in Greece and Turkey. . . . I am afraid we cannot rely upon "precedents" in facing the utterly unprecedented condition in the world today. Certainly there is no "precedent" for today's worldwide cleavage between Democracy and Communism. . . . I do not know whether our new American

> policy can succeed in arresting these subversive trends (which ultimately represent a direct threat to us). I can only say that I think the adventure is worth trying as an alternative to another "Munich" and perhaps to another war.[9]

Senator Vandenberg's fellow Republican, Robert A. Taft of Ohio, was more doubtful. He wanted to know what evidence there was that American security was threatened by events in Greece and Turkey, what would be the U.S. role in Greece after the aid had achieved its immediate objectives, and whether this policy would be conceived of as a commitment to any similar policy elsewhere in the world. Still, Taft begrudgingly went along. "I don't like the Greek-Turkish proposition," he wrote privately, "but I do recognize that perhaps we should maintain the status quo until we can reach some peaceful accommodation with Russia. I don't like to appear to be backing down."[10]

The debate, as represented by Senator Vandenberg, the internationalist, and Senator Taft, the isolationist, has, in many ways and under many guises, continued to the present day. So has the Truman Doctrine, as the policy came to be known. In recent years, largely in reaction to the Vietnam War, many scholars have shifted from support of Vandenberg's position and have seen new validity in Taft's concerns. These scholars have questioned whether Truman went too far in creating a crisis atmosphere and in defining Europe's problems solely in terms of Communist subversion. The president, as Senator Walter George observed, "put this nation squarely on the line against certain ideologies." But, as Robert Donovan has noted in his history of the Truman administration, "by dramatically drawing a distinction between ideologies, as Senator George said, the Truman Doctrine lent a rigidity to foreign policy that for a generation inhibited a turn from the Cold War."[11]

Having taken on the responsibility of preserving the governments of Greece and Turkey, the United States then moved to shore up all of Western Europe. The European situation in 1947 was grave, indeed. In the aftermath of the war, Europeans suffered shortages of food, fuel, and raw materials and lacked the funds to rebuild their industries and transportation systems. Economic unrest seemed to foster the growth of Communist parties in France, Italy, and other Western European nations. A European depression also threatened the economic prosperity of the United States; so, on June 5, 1947, Secretary of State Marshall delivered his famous commencement address at Harvard, launching what came to be known as the Marshall Plan. Marshall proposed a massive aid program to Europe in general, not to any specific nation. Indeed, a key provision of his plan was for European nations to act collectively to administer the aid program, a provision which eventually led to the formation of the Common Market. It was one thing to propose the greatest foreign aid program in the history of the world, but another thing to persuade a parsimonious Congress to appropriate the funds. Senator Vandenberg fretted over any imprudent attempts to rush into European affairs; Senator Taft worried that Europeans would "gang up and make unreasonable demands." Events moved along perilously. In Eastern Europe, the Soviet Union leaned heavily upon its satellite nations to prevent them from accepting American aid; and, in Western Europe, the economic situation worsened. Mike Mansfield, then a Democratic member of the House from Montana, went to see President Truman after returning from a European inspection. Mansfield told of commodity shortages, diseases, and fears in Europe that made American action essential. He urged the president to call a special session of Congress.[12] The president agreed and called

Republican leaders Robert A. Taft and Arthur H. Vandenberg represented the two wings of their party on foreign policy issues in the 1940's.
U.S. Senate Historical Office

Congress back on November 17, another case of the Democratic president taking the initiative with a Republican Congress—a theme which would serve Harry Truman very well in the 1948 election.

The key to success for the Marshall Plan was Senator Vandenberg, chairman of the Foreign Relations Committee and president pro tempore of the Senate. Truman needed all of the Michigan senator's skill and prestige to build a bipartisan coalition behind the massive aid package. By now, Vandenberg had convinced himself, after wrestling with his conscience, that the Marshall Plan needed to be enacted. "If self-help and self-sufficiency can be made to work," he said, the Marshall Plan "may well be a bargain." From January 8 through February 5, 1948, the Foreign Relations Committee held hearings in the Senate's splendidly ornate Caucus Room, with Vandenberg presiding and calling a progression of ninety witnesses. Everyone from cabinet members to church groups and women's clubs testified in favor of or against the plan. Vandenberg received them all so courteously that it was said he "killed the opposition to the Marshall Plan with kindness."

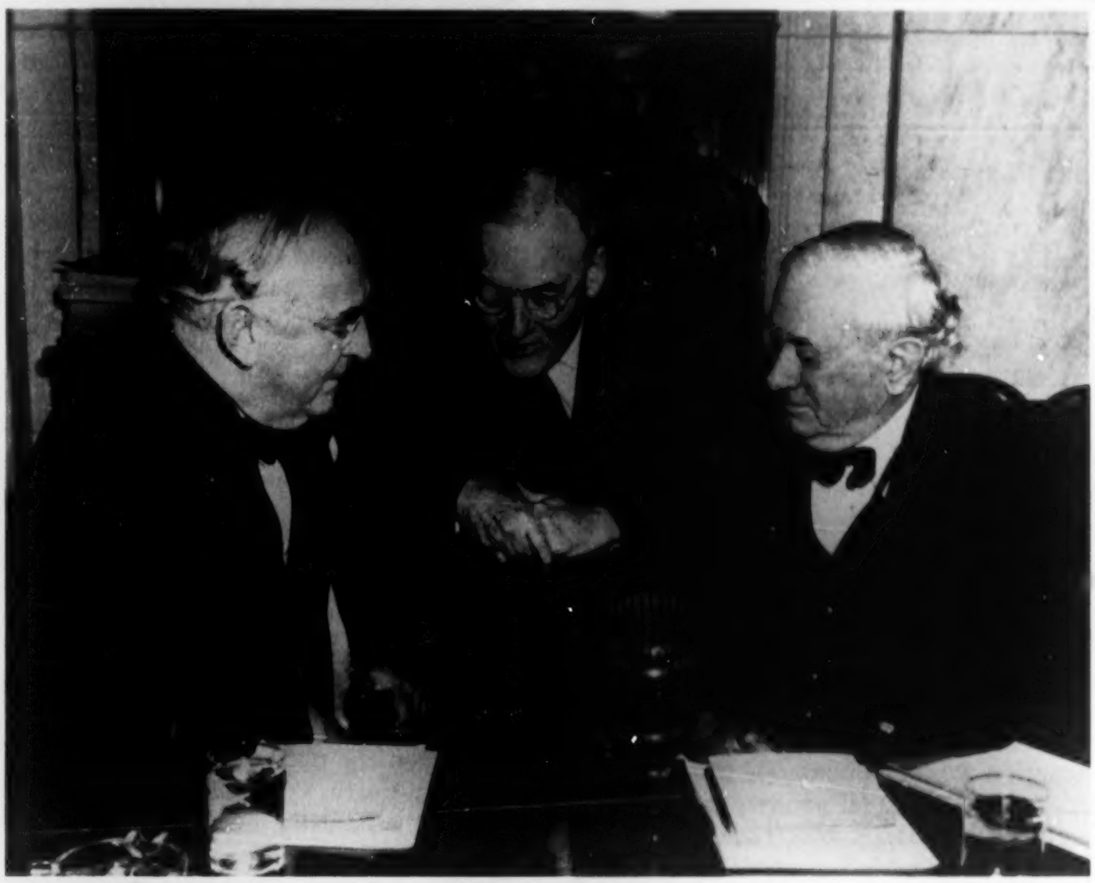
Senator Tom Connally consults with Secretary of State George C. Marshall before a hearing in 1949.
U.S. Senate Historical Office

Meanwhile, approximately twenty Republican isolationist senators were meeting regularly at a Washington hotel to plot strategy in opposition to the plan. Vandenberg worked to split this group by incorporating some of their more reasonable objections into his committee's version of the bill. The Truman administration had proposed a four-year, $17 billion aid program, which boggled many senatorial minds. Vandenberg weakened much of the opposition by proposing a one-year, renewable plan of between $5 and $6 billion. Vandenberg also proposed the strengthening of sections of the bill stressing Europe's self-help obligations, and made numerous other accommodations to troubled senators. Finally, on February 13, the Foreign Relations Committee voted unanimously for the plan. In fact, as a result of Vandenberg's consensus building, he won a unanimous committee vote on nearly every major issue of foreign policy in the Eightieth Congress, a truly remarkable record.

On March 1, Vandenberg delivered a defense of the plan to the Senate, with almost every senator present and the galleries filled to capacity. The Marshall Plan, he said, was the product of more intensive study by more devoted minds than any other legislation he had seen in his twenty years in the Senate. "It is a plan for peace, stability, and freedom. . . . It can be the turning point in history for a 100 years to come. If it fails, we have done our final best. If it succeeds, our children and our children's children will call us blessed." He finished to a standing ovation by his colleagues.[13]

The fight over the Marshall Plan was by no means finished. The Senate debated the bill for two weeks, with a critical vote coming over Senator Taft's proposal to cut $1.3 billion out of the first-year authorization. But Vandenberg, aided by Tom Connally, the ranking Democrat on the committee, fought back the attempt. At last, on March 14, 1948, the Senate enacted the Marshall Plan by a vote of 69 to 17. The House quickly followed suit. The Marshall Plan was a peaceful, positive, and exceedingly generous program—and it worked.

Of course, the crisis was far from over. The Soviet Union, determined to block the Marshall Plan, cracked down hard on its Eastern European satellites. In February 1948, a Communist coup d'etat took over the government of Czechoslovakia, and, on March 10, its pro-western foreign minister, Jan Masaryk, supposedly committed suicide, although he was widely believed to have been murdered. Three days after the Senate passed the Marshall Plan, President Truman addressed a joint session, calling for a resto-



John Foster Dulles, *center,* who testified in favor of the Marshall Plan, is seen conferring with Senators Vandenberg, *left,* and Connally, *right.* *U.S. Senate Historical Office*

ration of the military draft—to send a signal to Moscow that America was ready to respond militarily to any act of aggression. The president also hailed the pact announced that day in Brussels in which Britain, France, Belgium, the Netherlands, and Luxembourg signed a fifty-year collective defense treaty. The United States, however, was not a member of that pact. We had not been a party to a mutual defense treaty since our alliance with France during the American Revolution, and many Americans still cited George Washington's warning in his Farewell Address against the nation's entering into "entangling alliances."

Then, in April, the Soviets refused to permit allied military trains to pass through East Germany on their way to West Berlin without stopping for inspection. Americans refused to tolerate this violation of their rights and barred Soviet inspectors from their troop trains. The Soviets responded by blocking military trains. In June, the allied nations announced plans to consolidate their zones in Germany into a single federal state, creating a united West Germany. The Soviets then claimed all of Berlin and blocked all overland travel to that city. The allied nations responded with an airlift to supply Berliners with food and other necessary items. For 321 days, the Berlin airlift continued, with American and British pilots making over 270,000 flights and delivering 2.3 million tons of supplies, until at last the Soviets lifted their blockade.[14]

Another sign of American resolve was the Vandenberg Resolution, which cleared the way for United States participation in the North Atlantic Treaty Organization, NATO. The Truman administration had determined that the United States must enter into a collective security arrangement with Western Europe, but Senate approval would be needed for such a treaty, and there was no guarantee that the Senate would approve such a dramatic departure in foreign policy. Congress would soon be adjourning for the national political conventions and 1948 elections, and there was no time to negotiate and present a treaty, but a sense of the Senate resolution would demonstrate congressional support for a mutual security pact. Under Secretary of State Robert Lovett began to meet regularly with Senator Vandenberg at the senator's apartment in the Wardman Park Hotel. For three to four weeks, Lovett stopped each evening at Vandenberg's apartment on his way home from the State Department. Together, they discussed methods of procedure and worked on drafts of the proposed resolution on Vandenberg's portable typewriter. Lovett provided the expertise in diplomatic and military considerations; Vandenberg, the knowledge of what would be needed to calm congressional fears. The single-page resolution they produced was compared by John Foster Dulles, then a State Department adviser, to the Monroe Doctrine as a landmark in American diplomacy. The key provision of the Vandenberg Resolution called on the United States government to pursue "progressive development of regional and other collective arrangements for individual and collective self-defense in accordance with the purposes, principles, and provisions of the United Nations Charter."

Once again, Vandenberg shepherded the resolution through a unanimous vote of the Foreign Relations Committee. On June 11, 1948, he defended it in a stirring speech on the Senate floor. With the Berlin crisis then underway, Vandenberg told the Senate:

> [F]acing the grim reality that peace may fail through the acts of others, Congress is concurrently driven by prudence to rebuild the minimums of national armed defense in the presence of possible aggression which might sneer at any arguments save those of force. At such a moment it is necessary that the same Congress, if faithful to the spirit of America, should simultaneously renew its relentless dedication to collective peace. . . .
>
> . . .The pending Resolution is the responsible answer, so far as Congress can presently foresee.

The Senate responded by voting 64 to 4 in favor of the Vandenberg Resolution, far more than the two-thirds margin necessary to pass a treaty. With this message sent, the Truman administration immediately began negotiations on the formation of NATO. The NATO treaty was signed in Washington in April 1949, and the Senate consented to its ratification in August. The treaty still stands as a cornerstone of our foreign policy.[15]

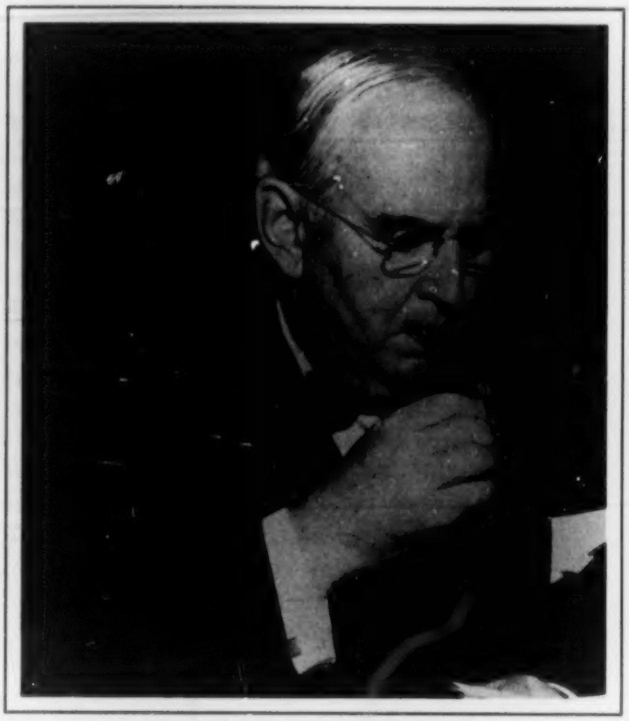
The Eightieth Congress ended its business in a filibuster over the renewal of the draft. Senators Glen Taylor, Democrat of Idaho, and William Langer, Republican of North Dakota, staged the filibuster to block the draft bill, but the Senate eventually voted 78 to 10 to restore military conscription. Historian James Patterson has vividly described the last moments of that historic session of the Senate:

> Spectators thronged the galleries and clogged Capitol corridors, and senators, sweaty and irritable, slept on makeshift cots and sofas in the cloakrooms. Still the

> session dragged on—through the sticky heat of Saturday morning and afternoon, then through violent electrical storms which crashed outside the chambers Saturday night. Finally, after forty-four consecutive hours in session—the second longest in American history (the longest, fifty-four hours, occurred in 1915 over Woodrow Wilson's ship purchase bill)—the regular session of the Eightieth Congress ground sullenly to a halt at 7:15 A.M. Sunday.[16]

For the tired legislators, the end was not really in sight. At the Democratic Convention in Philadelphia, President Truman, in a brilliant political move, announced he was calling Congress back into special session to enact the domestic programs that Republicans had pledged to support in their party platform. When Congress returned and did little to pass such legislation, Truman had his campaign theme: that do-nothing Republican Eightieth Congress. Still, no one expected Truman to win. The pollsters had the Republican candidate, New York Governor Thomas E. Dewey, so far out in front that they stopped conducting polls early in the campaign. Senator Vandenberg looked forward to the day when a new foreign policy team of President Dewey, Secretary of State Dulles, and Foreign Relations Committee Chairman Vandenberg would take charge of America's international affairs. The morning after the election, with the stunning news of Truman's upset victory and the Democrats' recapturing of the majorities in the House and Senate, Vandenberg walked into Francis Wilcox's office in the Foreign Relations Committee room, took his cigar out of his mouth and said about Harry Truman: "You've got to give the little guy credit. There he was flat on his back. Everyone had counted him out, but he came up fighting and won the battle."[17]

The election also removed Vandenberg as chairman of the Foreign Relations Committee. In less than a year, Vandenberg underwent surgery for cancer of the lung. While he returned to the Senate when his health permitted, he could no longer fully participate in Senate business. On April 18, 1951, Arthur Vandenberg died of cancer, at the age of sixty-seven, at his home in Grand Rapids, Michigan. He had become truly one of the most significant and influential members of the United States Senate, one of the most memorable figures in its history.



Senators crowded into the chamber whenever Arthur Vandenberg delivered a major foreign policy speech.
U.S. Senate Historical Office

Over the years since his death, Vandenberg's image has been diminished and obscured. Others survived him to write their memoirs and treat him less kindly than they did while he held his powerful position. Former Secretary of State Dean Acheson, for example, referred to him as "a large mass of cumulonimbus cloud, often called Arthur Vandenberg, producing heavy word fall." Others recalled his theatrical oratorical style, his penchant for cliches, and his skillful courting of press attention, and have concluded that there was less there than met the eye. Very slowly, however, historians are restoring Vandenberg's image and reminding us of his important contributions to the making of a bipartisan foreign policy. As Francis Wilcox has recalled: "When Vandenberg delivered a major foreign policy speech in the Senate, a minimum of sixty senators could be expected to hear him. That kind of attention is practically unheard of in a chamber where senators normally address the galleries, the Senate clerks, and the country—but not their colleagues. In the Senate, votes are what count, and when the chips were down, Vandenberg could deliver them." In the Republican Eightieth Congress, the Democratic Truman administration owed Arthur Vandenberg a great debt of gratitude for his nonpartisan, consensus-building, statesmanlike approach to foreign policy.[18]

Vandenberg's successor as committee chairman, Tom Connally, had long chafed at the press attention given the Michigan senator. In his own right, Connally was a valiant and effective fighter for the Truman administration's foreign policies, and he received glowing treatment from Acheson and others in their memoirs. But, symbolically, Connally could not play the same role in building a bipartisan policy, with an administration of his own party, that Vandenberg could play as an opposition party leader. Nor was Connally as interested in the substantive affairs of foreign policy as was Vandenberg. Connally's forte was political and legislative maneuvering. Where Vandenberg was smooth, Connally could be sharp, gruff, overpowering, a man to be reckoned with in debate. Over six feet tall and weighing more than two hundred pounds, Connally looked a bit like the typical editorial cartoon figure of a senator: long wavy hair, black suits, bow ties, large cigars. He was described as "the only man in the United States Senate who could wear a Roman Toga and not look like a fat man in a nightgown." [19]

At the same time Connally resumed his chairmanship of the Foreign Relations Committee—he had previously chaired the committee from 1941 through 1946—Dean Acheson replaced George Marshall as secretary of state. The Truman administration now faced its second term and even greater foreign policy crises. World attention shifted at this time from Europe to Asia. In China, the Nationalist forces of Chiang Kai-shek were steadily losing their civil war with the Communists, led by Mao Tse-tung. Chiang called for more American aid, but the Truman administration concluded it was more important to save Western Europe from Stalin than China from Mao. In August 1949, the State Department issued a white paper arguing that Nationalist Chinese internal weakness and resistance to reform explained their collapse. By the end of the year, Chiang's forces had been driven out of Mainland China to the island of Taiwan.

There began a loud, intense, and sometimes hysterical debate over who *lost* China. No one seemed to ask whether we ever *had* China so as to be able to lose it—much like the controversial debate over the Panama Canal treaties more recently.

But, in the Senate, voices such as those of Robert Taft, William Knowland, Styles Bridges, Kenneth Wherry, and Pat McCarran, were soon heard denouncing the administration's China policies. With the exception of McCarran, the loudest China voices belonged to Republicans, and some scholars have speculated whether the Republican party's unexpected defeat in 1948 contributed to the frenzy over China and internal subversion that surfaced in 1949. Certainly, there were inconsistencies among Chiang Kai-shek's supporters. Senator Robert Taft, for example, had consistently resisted American intervention in European affairs and had not shown much interest in Asian events before 1948. But now he said, "I believe very strongly that the Far East is ultimately even more important to our future peace than is Europe." Taft endorsed military aid to Chiang's government and criticized Truman for not doing more—this from a senator who voted against the NATO treaty.[20]

Supporting the pro-Chiang senators was a mysterious "China Lobby," headed by an importer of Chinese textiles, Alfred Kohlberg. A staunch anticommunist, Kohlberg founded the China Policy Association, which had strong ties with Chiang Kai-shek's Nationalist government. Kohlberg also subsidized a number of small magazines and newsletters supporting the China cause. He provided sympathetic senators with voluminous documents to support their arguments. Historian Robert Griffith has explained that the China Lobby was not a cohesive, well-organized group, "but a coalition including representatives of the Nationalist government seeking arms and aid, true believers in the cause of Chiang Kai-shek as against the Communists, and a bevy of Republican politicians."[21] The China Lobby pressed hard for American naval protection of Taiwan, but Truman insisted that the United States would play no part in the Chinese civil war. Senators H. Alexander Smith, Republican of New Jersey, and William F. Knowland, Republican of California, told Truman that this marked the end of a bipartisan foreign policy.[22]

It did not help matters at this juncture that Dean Acheson was then serving as secretary of state. Although he had once handled congressional relations for the State Department, Acheson was often unable to handle them for himself. His sardonic sense of humor and his sometimes condescending attitude did not win him great numbers of friends on Capitol Hill. It was a sign of those strange times that Secretary Acheson, one of the hardest of the hard-liners against the Soviet Union, a man who later came to be widely regarded as a hawk, was perceived by some members of Congress as "soft on Communism" and an "appeaser." At the time of his nomination, Acheson had refused to denounce his friend and one-time State Department colleague, Alger Hiss, who was then under indictment for perjury and suspected of providing State Department documents to the Soviet Union. This act of personal loyalty, which took great courage in the atmosphere of the late 1940's, was interpreted as a sign of Acheson's lenience (or worse) toward supposed Communists in the State Department.[23]

The China Lobby blamed Acheson and Truman for the fall of Chiang Kai-shek and the Nationalists. They further pointed to Acheson's speech before the National Press Club, in January 1950, in which he outlined the United States' defensive perimeters in the Pacific, as a cause of the Korean War. Because Acheson had defined Korea as outside the American perimeter, his critics charged, he had invited the North Korean attack in June 1950.

Regardless of any so-called defense perimeter, when North Korean troops poured across the thirty-eighth parallel and invaded South Korea, Truman and Acheson were prepared to defend South Korea. The United States called an emergency meeting of the United Nations Security Council and, because the Soviets were then boycotting Security Council meetings, was able to win a vote directing North Korea to withdraw its troops. The United States sent troops to Korea under the banner of the United Nations but commanded by General Douglas MacArthur. Although Congress supported the war effort, or "police action" as it was called, it was never called upon to declare a state of war.

Due to renovations of the Senate chamber, members convened in the old Senate chamber to debate the NATO agreement. Vice President Barkley presided as Senator Connally addressed the Senate.

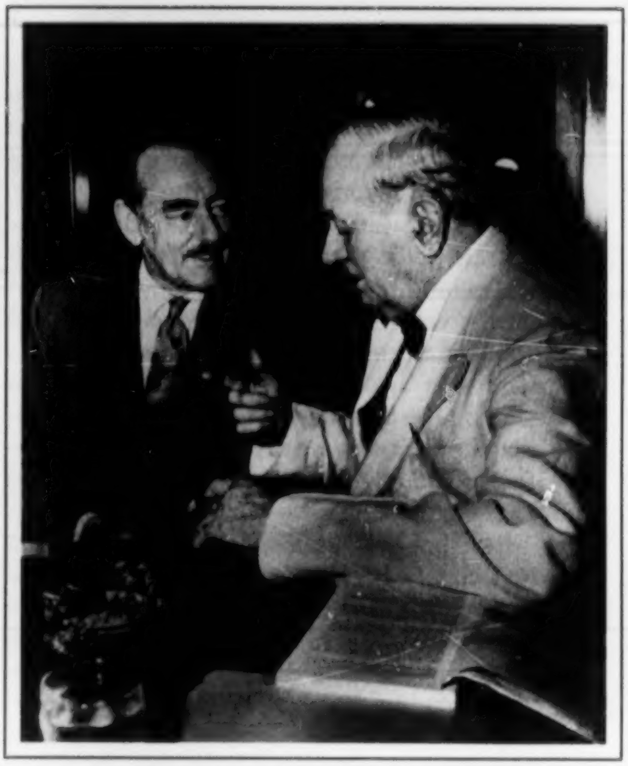
U.S. Senate Historical Office

Truman did not consult with congressional leaders until three days after the Communist invasion—two days after he had made the decision for the U.S. to intervene. Senator Taft supported that decision but pointed out that the president had no legal authority for his actions. Although a number of Democrats and Republicans suggested that the president should ask for a congressional resolution supporting the sending of combat troops to Korea, Secretary Acheson persuaded the president not to ask for a resolution but to act under his powers as commander in chief. No president had ever committed so many troops to a war zone without congressional authority. Although it was certainly not clear to Truman how long and serious the police action would be, he, nevertheless, had broken precedent by his decision, saying bluntly, "By God, I'm going to let them have it!" Professor Arthur Schlesinger assigns this decision a major place in the building of the "imperial presidency." Truman, he wrote, "dramatically and dangerously enlarged the power of future Presidents to take the nation into major war." [24]

Meanwhile, the Korean War seesawed back and forth, first with North Korean troops pressing UN troops almost to the tip of the Korean peninsula, then with General MacArthur's landing at Inchon that turned the tide, and then with the UN troops' crossing of the thirty-eighth parallel and taking the war into North Korea. When UN troops reached the Yalu River Valley near the Chinese border, Chinese troops entered the war on North Korea's side, and in such massive numbers that they again turned the fortunes of the war.

General MacArthur requested permission to bomb targets inside China but was refused by President Truman, who wanted to avoid widening the war. When General MacArthur began to take his case directly to Congress, Truman fired him. Rarely has a presidential action caused such a storm of protest. MacArthur was a major military hero who had not yet returned to the United States since the victory in World War II. He was the hero of the China Lobby. He personified the win-at-all-costs attitude shared by many Americans. President Truman, in contrast, believed he had done exactly what was necessary to preserve civilian control over the military. The joint chiefs of staff supported the president firmly and without hesitation.

The firing of General MacArthur fell like a bombshell on Capitol Hill. That same afternoon, Senate Republican Leader Kenneth Wherry of Nebraska introduced a resolution inviting General MacArthur to address a joint meeting of Congress and called on Congress to investigate the administration's foreign policies and national defense program. "[T]he United Nations forces are fighting with one arm behind their backs, meaning inability to bomb Communist supply bases across the Yalu River [and this] creates a great handicap," said Wherry. "The constitutional power of the president—as commander-in-chief of the Armed Forces—gives him no authority to consign American troops to fight under conditions in which they cannot defend themselves." [25] MacArthur returned to a thunderous personal reception, with great crowds in every city he visited. His speech before Congress, in which he justified his position, ended with that memorable refrain, "Old soldiers never die; they just fade away."



Secretary of State Dean Acheson, *left*, seen conferring with Foreign Relations Committee Chairman Connally, advised President Truman not to ask for a declaration of war in Korea.

U.S. Senate Historical Office

Somewhat to the general's surprise, he did, indeed, fade away. A Senate investigation ably led by the chairman of the Armed Services Committee, Richard Russell of Georgia, did not support MacArthur's contentions and made it clear that the general was aware only of the situation in Asia and not of the larger picture of American foreign policy and military strength. Many senators and others agreed with General Omar Bradley, who argued that an American attack on China would place the United States "in the wrong war; at the wrong place, at the wrong time, and with the wrong enemy." General MacArthur was never able to convert his jubilant welcome into a political movement to elect him president. American policies did not change, although we became locked into a hard line against the People's Republic of China. The Korean War settled into a stalemate until it was finally resolved by a ceasefire in 1953, which left the country much as it had been before the war.

The political atmosphere of Washington had clearly been poisoned by the Truman-MacArthur clash, the Korean War, and the fall of China. Otherwise responsible men made irresponsible charges. Senator Taft denounced the Korean War as "a Truman war. . . useless and expensive." Taft claimed that the United States abandoned Chiang Kai-shek because the State Department "absolutely wanted the Communists to win." A reporter asked whether he really meant that. Taft replied that he thought Dean Acheson and the Far Eastern Division did, indeed, want a Communist victory "because in the State Department for a long time there's been a strong Communist sympathy, as far as the Chinese Communists are concerned."[26] This was an astonishing statement, coming from someone of the stature of Robert Taft, and it explains the setting in which the charges of the junior senator from Wisconsin, Joseph R. McCarthy, could obtain so much attention and credibility.

Mr. President, the suspicions and charges of the anticommunist movement in the late 1940's and 1950's were indelibly etched in American foreign policy. But, to do justice to them and to explain the remarkable career of Senator McCarthy, I shall devote my next speech in this series to that subject.

For now, let me make a few concluding remarks on the Senate and the cold war during the Truman years. I have cited only a few of the dramatic events of that period. One also thinks back to President Truman's recognition of the new nation of Israel in 1948, to the Soviet development of the atomic bomb, to the American decision to produce the hydrogen bomb, and to the occupation and rebuilding of Japan, which all took place during this era. As historians have noted, the wonder is not that some things went wrong in these years, but that serious mistakes were so few. President Truman and his bipartisan allies in Congress kept this nation from retreating back into isolationism after the war and forced us to face up to our international responsibilities. The rebuilding of Germany and Japan, the Marshall Plan for Western Europe, the defense of South Korea—all were testament to American support of democracy throughout the world, and to a United States Senate that performed in a bipartisan spirit when America's international security interests were endangered.

CHAPTER 30

The McCarthy Era 1947–1957

September 23, 1985

Mr. President, on February 9, 1950, in Wheeling, West Virginia, a United States senator addressed a meeting of the Ohio County Republican Women's Club. His speech was intended as just another partisan salvo to be delivered during the Senate's Lincoln's birthday recess and then quickly forgotten by all involved. Instead, it became one of the most portentous speeches in American political history. America was losing the cold war, asserted Senator Joseph McCarthy; not because an enemy had invaded our shores, but because of the "traitorous actions" of officials within the Department of State and other federal agencies. Then the senator added, "While I cannot take the time to name all of the men in the State Department who have been named as members of the Communist Party and members of a spy ring, I have here in my hand a list of 205 . . . a list of names that were known to the Secretary of State and who nevertheless are still working and shaping the policy of the State Department."[1]

"I have here in my hand a list" became the famous saying of the era, along with the equally ominous "Are you now or have you ever been a member of the Communist party of the United States?" They are indelibly associated with the Republican junior senator from Wisconsin, Joe McCarthy, and the movement which bore his name: McCarthyism. For the four years following his speech at Wheeling, McCarthy emerged as the most controversial member of the United States Senate; the scourge of presidents, diplomats, military officers, bureaucrats, and private citizens; the master of the headlines. His reign ended in 1954 with a humiliating censure by his fellow senators. Thirty years later, however, he continues to incite the popular and scholarly imagination. A television movie, *Tail-Gunner Joe,* and a documentary film, *Point of Order,* have recorded his stormy career. A staggering number of books have analyzed his impact, as just a small sampling of titles will indicate: *The Life and Times of Joe McCarthy; A Conspiracy So Immense: The World of Joe McCarthy; Joe McCarthy and the Press; The Intellectuals and McCarthy; God, Church, and Flag: Senator Joseph R. McCarthy and the Catholic Church; Senator Joseph McCarthy and the Ameri-*

can Labor Movement; The Politics of Fear: Joseph R. McCarthy and the Senate; Men Against McCarthy; and *Who Killed Joe McCarthy?*

Senator Joseph McCarthy's ten turbulent years in this institution are the subject of my remarks today in my continuing series of addresses on the history of the United States Senate. There was never quite anyone like McCarthy in the Senate, before or after; nor has this chamber ever gone through a more painful period. No history of the Senate would be complete without the story of his dramatic rise and equally dramatic fall. He was a complex and enigmatic figure, and I will try to deal with him fairly and frankly, without turning him into a caricature.

Joe McCarthy literally burst upon the Senate scene. He had barely stepped off the train from Wisconsin when he called his first Washington press conference. The junior senator had nothing new or significant to say, but he fascinated reporters, nevertheless. The *Saturday Evening Post* shortly afterwards featured an article on McCarthy as "The Senate's Remarkable Upstart." [2] McCarthy had just defeated one of the most respected members of the Senate, Robert M. La Follette, Jr. He was a farm boy who had worked his way up, completing four years of high school in one hurried year, earning his law degree from Marquette University, and winning election as a Wisconsin circuit court judge at age thirty. While still on the bench at the beginning of World War II, McCarthy enlisted in the Marine Corps, later to be commissioned an officer. As his official biography in the *Congressional Directory* stated, he "qualified as a tail gunner and had 17 official missions in the South Pacific, participating in strikes over [a series of] Jap airfields." [3]

Among the many conservative Republicans elected to the Senate's Class of 1946—like William Knowland, John Bricker, William Jenner, and George "Molly" Malone—Joe McCarthy was at first perceived as a moderate, forward-looking member of his party's Harold Stassen wing. Housing for veterans, for instance, was among the first issues to which McCarthy devoted his energies in the Senate. But, as Professor Robert Griffith has noted in his study of McCarthy and the Senate, neither issues nor ideology characterized McCarthy's apprentice years in the Senate. Rather, it was, in Griffith's words,

> his continual violation of the rules, customs, and procedures under which the Senate operates. . . . [T]hese unwritten laws of seniority, apprenticeship, reciprocity, courtesy, and so forth . . . provide the framework for the resolution of charged political issues. . . .
>
> The observance of Senate folkways requires patience, restraint, and moderation, however; these were qualities which the junior senator from Wisconsin singularly lacked. Instead, he brought to the Upper Chamber a restless and compulsive energy, a hunger for power and public notice, and a casual disregard for custom and authority. [4]

McCarthy, who had been an amateur boxer as a youth, fought tough, no-holds-barred fights for a variety of issues during his early years. In his first match, he sided with the soft drink producers who wanted quick decontrol of sugar prices after the war, while consumer advocates like Republican Senator Charles Tobey of New Hampshire preferred gradual decontrol. During the floor debate, McCarthy quoted spurious statistics, made false statements concerning the position of the Department of Agriculture, and challenged the personal motives of his opponents. "Once he got going," wrote biographer David Oshinsky, "logic and decorum gave way to threats, personal attacks, and multiple distortions." [5] But these tactics worked; his colleagues took him at his word, and the Senate adopted McCarthy's amendment for speedy decontrol.

Later, in 1947, McCarthy once again took on Senator Tobey by supporting prefabricated housing construction as a substitute for the public housing program which Tobey endorsed. Both McCarthy and Tobey served on the Senate Banking Committee, but, when Congress established a Joint Committee on Housing, McCarthy sided with House members to deny the chairmanship to the senior Tobey. Such tactics were not forgotten, however, and when the Democrats regained control of the Senate in 1949, the new chairman of the Banking Committee, Burnet Maybank of South Carolina, bumped the junior senator from Wisconsin off the committee. "He's a troublemaker, that's why I don't want him," Maybank exclaimed.[6]

McCarthy's remaining assignments consisted of two minor committees: District of Columbia and Expenditures in the Executive Departments. McCarthy quickly demonstrated that he did not need prestigious committee assignments in order to gain influence and notoriety. In 1949, the Senate Armed Services Committee appointed a subcommittee, chaired by Connecticut Republican Raymond Baldwin, to investigate charges that American soldiers had mistreated German prisoners of war who had been involved in the Malmedy massacre (the terrible slaughter of 150 American GI's by their Nazi SS troop captors). Senator McCarthy, with a large German-American constituency in his state, took an interest in the case and asked permission to sit in on the hearings; however, McCarthy quickly took over the proceedings, acting as chief prosecutor. He peppered witnesses with hypothetical questions in order to manipulate their answers. He used extreme language (at one point calling the American military judges morons). He made unexpected personal attacks. After he had won the headlines but knew he would lose the vote, he dramatically walked out, accusing the committee of trying to "whitewash a shameful episode." Senator Baldwin was so distressed by the incident that it triggered his decision to leave the Senate and accept appointment to his state's supreme court. Baldwin would not be the last senator driven out of this chamber by McCarthy's tactics.[7]

Perhaps the most remarkable fact about Joe McCarthy's early years in the Senate was the tolerance shown toward him by other members. Although Senator Maybank removed him from the Banking Committee and Republican leaders failed to fight to reinstate him, McCarthy, in fact, paid little for his transgressions against the Senate's rules and folkways. Despite his sometimes boorish behavior, senators, reporters, and others who came in contact with him, found that they liked Joe McCarthy. As columnist Jack Anderson noted in 1952:

> He's an ingratiating, friendly, hail-fellow-well-met, called "Joe" by almost everyone who has known him for more than five minutes. "He comes to you with tail wagging and all the appeal of a tramp dog," said one colleague. He is earthy and unpretentious in manner and dress, often with rumpled clothes (he presses his pants under the mattress at night) and unshined shoes; a big barrel-chested man with a large head, huge hands, and short, restless, muscular arms. . . . A man of furious physical energy and capacity for work.[8]

Those who have studied McCarthy's life have found a sharp division between his private and public images. In the cloakrooms and locker rooms he was Joe, the hard-drinking, backslapping, storytelling good fellow. Senators with whom he fought in committee and on the Senate floor found him entertaining in private. Leonard Ballard, a West Virginian who recently retired as an inspector on the Capitol police force, recalled that Senator McCarthy regularly lent money to the young policemen, mostly students using the Senate's patronage to help them work their way through school. "Can you let me have ten until payday, senator?" they would ask, and he would respond, "Well, go up and see Mary." Mary Driscoll, the senator's personal secretary, then would write a check for fifteen or twenty dollars. When Senator McCarthy died, Inspector Ballard estimated that the Capitol policemen owed him at least a thousand dollars in outstanding loans.[9]

In all of his furious activity, Senator McCarthy made strong friends and strong enemies. Among the latter was the *Madison Capital Times,* an influential newspaper in his home state. The *Times* was unrelentingly critical of McCarthy's behavior, at one point leading a movement to censure and disbar the senator for having run for public office while sitting on the bench. In November 1949, the senator responded by accusing the *Times* city editor of being a Communist. "One of the major aims of the Communist Party is to locate members in important positions in newspapers," McCarthy warned in a speech to Madison Shriners. "There is no law which prevents the *Capital Times* from following the Communist line right down to the last period," he continued. "It is for the people of Madison . . . to decide whether they will continue by advertisements or subscriptions to support this paper in view of the facts which I have set forth in this document."[10]

The editor whom McCarthy had charged with being a Communist had once belonged to several Communist-front organizations, but there was no evidence that he was a member of the Communist party. Indeed, the *Madison Capital Times* was a staunchly anticommunist newspaper. No matter, these reckless charges won McCarthy instant and widespread publicity. In those anxious early years of the cold war, people sought some explanation for the troubled state of the nation and the world, and internal Communist subversion seemed a plausible answer. McCarthy had touched a nerve. As one of his biographers, Thomas C. Reeves, concluded, "Joe's attack on the *Capital Times* in November 1949, won him more publicity throughout Wisconsin than any activity he had undertaken since entering the Senate. The principle was not lost upon him: he could labor for months on housing legislation with barely a ripple of attention in the press, but by calling someone's loyalty into question he became an instant celebrity."[11]

Mr. President, Senator Joseph McCarthy did not create the anticommunist issue in American politics. Long before McCarthy's attack on the *Capital Times* or his speech in Wheeling, West Virginia, the House Un-American Activities Committee and the Senate Internal Security Subcommittee had been investigating Communist influence in the government to the accompaniment of banner headlines and, occasionally, with some spectacular results, as in the case of Whittaker Chambers' accusations against former State Department official Alger Hiss. The Communist victory in the Chinese civil war in 1949 profoundly shocked the American public, precipitated a debate into who *lost* China, and raised suspicion of Communist sympathizers among American foreign policymakers. It was in this highly charged atmosphere that McCarthy's speech at Wheeling caused such an explosion.

Even McCarthy was surprised by the response to his Wheeling speech. At other stops on his speaking tour, he repeated essentially the same speech, although the list of 205 alleged Communists in the State Department alternately became "207 bad risks" and "57 card-carrying members of the Communist party." By the time McCarthy reached Reno, Nevada, he found the press eager for evidence to support his charges, but the senator refused to be specific. Finally, on February 20, 1950, he rose on the Senate floor to present his charges—this time against "81 loyalty risks" in the State Department. For eight hours, McCarthy went through his eighty-one cases, identifying them by number rather than by name, lumping together loyalty risks and suspected Communists. The material, as it turned out, was not new but consisted of three-year-old files from the House Appropriations Committee. Senator McCarthy, however, implied that it had been leaked to him by sources inside the State Department.[12]

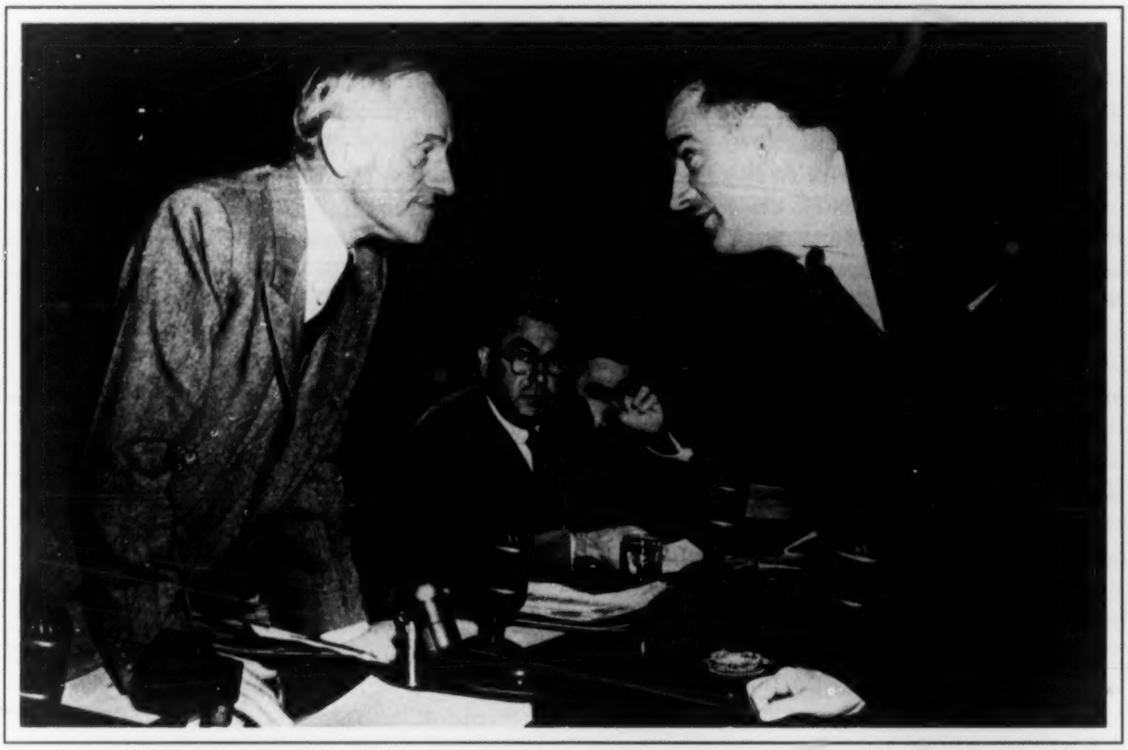
McCarthy's charges were so sweeping, and yet so unspecific, that they defied effective rebuttal. Republican Senator Robert Taft later referred to the speech as "a perfectly reckless performance." [13] Senate Democrats responded by proposing that the Foreign Relations Committee investigate the matter. Even two of McCarthy's staunchest supporters, commentators William F. Buckley and L. Brent Bozell, conceded that the senator had placed himself in an embarrassing position by misleading the Senate as to the source of his information.[14] But, having dug a hole for himself, McCarthy nimbly scrambled out.

A special subcommittee of the Foreign Relations Committee, chaired by Democratic Senator Millard Tydings of Maryland and including Senators Brien McMahon of Connecticut, Theodore Francis Green of Rhode Island, Henry Cabot Lodge, Jr., of Massachusetts, and Bourke Hickenlooper of Iowa, called upon Senator McCarthy to produce evidence in support of his charges. From the outset, the hearings became a confrontation between the patrician Tydings and the pugnacious Joe McCarthy. They began, for instance, by debating whether the sessions should be open or closed to the public. When Tydings suggested an executive session, McCarthy admitted that he had already released the text of his remarks to the press. So it went. McCarthy named names, but, of the four State Department officials he cited, all had been thoroughly investigated by the department's security force, and each was able to rebut the charges. McCarthy then turned his fire on Professor Owen Lattimore of Johns Hopkins University, who had advised the State Department but was never a member of its staff. Lattimore, McCarthy suggested, was the "top Russian espionage agent" in the United States, an unwarranted allegation from which the senator quickly retreated. Professor Lattimore and other witnesses were heard; charges and countercharges were made; and, if anything, the issues became murkier and more difficult to discern. The press reported everything in detail, and McCarthy, whether one agreed with him or not, became a household name.[15]

On July 14, voting along party lines, the Tydings committee issued a report which accused Senator McCarthy of perpetrating a "fraud and a hoax" on the Senate and the American public.[16] The Senate then adopted the Tydings Committee report, but again by a straight party vote, which diluted its impact. This vote did not mean that McCarthyism was a partisan issue. There were Democrats who supported Senator McCarthy and Republicans who opposed him. In the latter camp stood Senator Margaret Chase Smith of Maine who, on June 1, 1950, delivered her eloquent "Declaration of Conscience" on the Senate floor:

> I speak as a Republican. I speak as a woman. I speak as a United States senator. I speak as an American. The United States Senate has long enjoyed worldwide respect as the greatest deliberative body in the world. But recently that deliberative character has too often been debased to the level of a forum of hate and character assassination, sheltered by the shield of congressional immunity. . . .
>
> Those of us who shout the loudest about Americanism in making character assassinations are all too frequently those who, by our own words and acts, ignore some of the basic principles of Americanism:
>
> The right to criticize;
> The right to hold unpopular beliefs;
> The right to protest;
> The right of independent thought. [17]

There was no question that Senator Smith directed her words against McCarthy, al-



Senator Millard Tydings' special subcommittee found McCarthy's charges a "fraud and a hoax."

U.S. Senate Historical Office

though she refrained from mentioning his name.

The most disquieting result of the Tydings committee hearings was Senator Tydings' defeat for reelection that fall. The able, if austere, Tydings was a senior and respected member of the Senate's "inner club." He had survived even Franklin D. Roosevelt's effort in 1938 to "purge" him and other conservative Democrats from the party, and he seemed invincible at the polls. Senator McCarthy's staff, however, devoted a good deal of its time to defeating Tydings. Communism in government became the theme of the Maryland election, and the conservative and anticommunist Tydings found himself accused of "protecting Communists for political reasons" and of shielding Communists in the State Department. Campaign literature against Tydings featured a composite photograph supposedly showing the senator in intimate conversation with Earl Browder, head of the American Communist party. Other dirty tricks abounded. The result was that Senator Tydings was defeated by a relatively unknown politician who supported Joe McCarthy. Also defeated in the elections of 1950 were Senate Democratic Leader Scott Lucas and Democratic whip Francis Myers, both McCarthy opponents. Commentators attributed these political reversals to McCarthy's national support, and the senator's political star rose even higher.[18]

Although Senator Tydings did not contest his election defeat, he filed a protest with the Senate Subcommittee on Privileges and Elections, which held hearings on the Maryland campaign. The subcommittee, chaired by Senator Guy Gillette of Iowa, found that there were two campaigns in Maryland: one, a "front street" campaign conducted by the Republican candidate, John Marshall Butler; and the other, a "back street" campaign conducted by outsiders, chiefly from Senator McCarthy's staff. The subcommittee reached no conclusions about the conduct of the election but recommended that the Rules Committee prepare explicit standards of behavior for members of the Senate. Joe McCarthy dismissed the subcommittee's criticisms, attributing them to those who would "ignore or whitewash Communist influences in our government." [19]

Rather than make him more cautious, each confrontation seemed to embolden Joe McCarthy and encourage him to seek even larger targets. On June 14, 1951, in a speech on the Senate floor, the senator took on one of the most respected individuals in the nation, General George C. Marshall. After his service as army chief of staff during World War II, Marshall served as secretary of state and secretary of defense in the Truman administration. His name was internationally associated with the Marshall Plan to provide relief for war-ravaged Europe. He was a man of great dignity and rectitude. None of this deterred McCarthy. After the Communist victory in China and the invasion of South Korea, Americans were fearful of the turn of events in Asia. The blame, McCarthy argued in his speech, belonged to General Marshall. "During all this time the [Truman] administration preaches a gospel of fear, and [Secretary of State] Acheson and Marshall expound a foreign policy in the East based upon whimpering appeasement," said the senator. "How can we account for our present situation unless we believe that men high in this Government are concerting to deliver us to disaster? This must be the product of a great conspiracy, a conspiracy on a scale so immense as to dwarf any previous venture in the history of man." [20]

The attack on General Marshall was met with shock and dismay in the Senate. Republican leaders would not condone it. Senator Leverett Saltonstall, a Massachusetts Republican, considered the speech "sickening, simply disgusting." Senator Ralph Flanders, Republican from Vermont, believed the speech had done Senator McCarthy "more harm than good." Many Senate Democrats responded angrily to the speech. New York Senator Herbert Lehman in particular denounced McCarthy's use of "character assassination." Senator William Benton of Connecticut introduced a resolution calling for an investigation to determine whether McCarthy should be expelled from the Senate. To this, Senator McCarthy replied that "Benton has established himself as a hero of every Communist and crook in and out of government." Benton's resolution went to the Subcommittee on Privileges and Elections, which held a stormy investigation, but was unable to reach a determination. Once again, Senator McCarthy had eluded condemnation by his Senate colleagues.[21]

From the day he gave his address in 1950 until the election of 1952, Joe McCarthy was constantly under fire from senators like William Benton, Herbert Lehman, Thomas Hennings, J. William Fulbright, and Margaret Chase Smith. McCarthy counterattacked with a vengeance, proving himself skillful at parliamentary maneuvering. Nevertheless, McCarthy was more often on the defensive than the offensive, fighting off attacks against him by hurling charges at his attackers. This situation continued so long as McCarthy remained a minority member of the Senate. The election of 1952, however, changed everything. Republican Dwight D. Eisenhower replaced Democrat Harry S. Truman in the White House, and Republicans won the majority in both the Senate and the House.

Amid the Republican euphoria, there were worries about Joe McCarthy. Some hoped that moving into the majority would have a maturing effect on the junior senator from Wisconsin; that he might act more responsibly. Others hoped that Eisenhower would keep McCarthy in line. When the Eighty-third Congress opened, it was Indiana's William Jenner who drew the chairmanship of the Senate Internal Security Subcommittee, and it was expected that he, rather than McCarthy, would lead any anticommunist investigations. "We've got Joe where he can't do any harm," Majority Leader Robert Taft commented on McCarthy's chairmanship of the Senate Government Operations Committee. But all of this speculation was wrong.[22]

As chairman of Government Operations, McCarthy exercised his prerogative to chair its Permanent Subcommittee on Investigations. In 1948, the permanent subcommittee had been created out of the old Truman committee to investigate the national defense program during World War II. Its investigation of alleged corruption in the Truman administration had produced a flurry of attention, but, under its elderly chairman, Clyde Hoey, it had been a relatively quiet and sedate operation. Joe McCarthy, however, realized that the subcommittee offered him unlimited possibilities for investigating whatever and whomever he wished.

McCarthy set about assembling a subcommittee staff. Roy Cohn from the U.S. attorney's office in New York; Cohn's friend, David Schine; and Ambassador Joseph P. Kennedy's son, Robert, were among the ambitious young men, still in their twenties, whom McCarthy hired. All was not harmonious, however. There was considerable animosity between Roy Cohn and Bob Kennedy, each of whom had wanted the top staff position. McCarthy finally appointed Cohn as chief counsel, Francis "Frip" Flanigan as general counsel, and Kennedy as Flanigan's assistant. With two counsels, subcommittee leadership became a muddle. Ruth Young Watt, the subcommittee's chief clerk, recalled that "when some decision would have to be made, I'd say to Roy Cohn 'What'll I do?' He'd say, 'Well, ask Frip.' Then I'd go to Frip and he'd say, 'Ask Roy.' In other words," she continued, "I'd just end up doing what I thought was right." By June of 1953, Ruth Watt observed, "everything was in shambles . . . as far as the staff was concerned, because everybody was at cross purposes; everybody was vying for position and so on."[23]

At that point, Chairman McCarthy hired J.B. Matthews as administrative assistant to straighten out the mess. A former Methodist minister and ex-Communist, Matthews had become an outspoken anticommunist, given testimony to congressional committees, and published widely on the "Red Menace." Matthews may well have been the man to bring order out of the committee's chaos but he never had the opportunity. Just as his appointment was announced, one of his articles, "Reds and Our Churches," was published. Even for its time, the article was extravagant in its claim that "the largest single group supporting the Communist apparatus in the United States today is composed of Protestant clergymen."

This outrageous defamation of the clergy gave the Eisenhower administration the opportunity it was seeking to disassociate itself from McCarthy's tactics. Eisenhower's aides phoned religious leaders around the country, encouraging them to make formal protests to the White House about Matthews' article. Eisenhower then planned to issue a condemnation—obviously aimed at McCarthy—of those who made sweeping accusations of disloyalty against groups of American citi-

Senator John McClellan, Chief Clerk Ruth Watt, and committee counsel Robert Kennedy, shown here in a later photo with Senator Sam Ervin, participated in the Permanent Subcommittee on Investigations hearings under McCarthy. *U.S. Senate Historical Office*

zens. As it happened, Senator McCarthy at that very time was on his way to the press gallery to announce that he had fired J.B. Matthews; however, Vice President Nixon intercepted the senator and invited him into his Capitol office for a few minutes of diversionary conversation. By the time McCarthy reached the press gallery with his news release, President Eisenhower's angry statement had already been released, making McCarthy's move appear as a capitulation to the president.

This maneuver has been cited often by Dwight Eisenhower's supporters as evidence of his "hidden-hand" approach to Joe McCarthy. Eisenhower steadfastly refused to engage in a personal attack on the senator, believing that "getting in the gutter" with him would diminish the presidency and elevate McCarthy's national stature. As Eisenhower noted in his diary: "[N]othing will be so effective in combatting [McCarthy's] particular kind of troublemaking as to ignore him. This he cannot stand." [24] Yet, as sensible as this tactic seemed, Eisenhower's nonconfrontational approach deprived the Senate opposition to McCarthy of needed presidential leadership.

In the meantime, Senator McCarthy was making the most of his chairmanship of the Permanent Subcommittee on Investigations. As Robert Griffith has noted, "McCarthy's subcommittee quickly captured the nation's attention by hurrying from one 'startling revelation' to another." With McCarthy in the chair, the subcommittee, by its own count, initiated 445 preliminary inquiries and carried out 157 investigations.[25] Given Senator McCarthy's initial attack on the State Department in his Wheeling, West Virginia, speech, it was not surprising that he would aim at the same target in his first committee investigations. In February 1953, the subcommittee launched investigations into the State Department's information program—both the Voice of America and the overseas libraries.

This was the period for which most people remember Joe McCarthy. His aggressive and relentless interrogation of witnesses not infrequently included bullying, intimidation, and insults. His witnesses ranged from the frightened to the belligerent. His repeatedly asked question, "Are you now or have you ever been a member of the Communist party?" was often answered with a refusal to answer under the Fifth Amendment to the Constitution. It was a bewildering period for the press, the public, and the United States Senate. Was Senator McCarthy on to something? Had he uncovered a network of subversion in the United States? Or was he striking out blindly, heedless of the reputations he was destroying, on a mammoth fishing expedition?

Reading through the transcripts of Senator McCarthy's many hearings in the Eighty-third Congress, one sees considerable evidence of his intelligence and skill. Few witnesses got the better of him; indeed, he seemed to take great pleasure in surprising, outmaneuvering, and flustering his witnesses. Although it was never clear where it all was leading, McCarthy seemed to enjoy the thrill of the hunt. The former chicken farmer from Wisconsin took special delight in outwitting, embarrassing, and humiliating members of the "eastern establishment": graduates of ivy league universities—the liberal intelligentsia.

Take, for example, his interrogation of James Wechsler, the liberal, anticommunist editor of the *New York Post.* Wechsler made no secret of his youthful membership in the Communist party in the 1930's or of his later break with the Communists. Wechsler had also written several books, copies of which had been purchased for the American overseas libraries. This was the pretext under which he was called to testify, although it is clear from the questioning that it was the *Post's* critical editorial policy that most concerned Senator McCarthy. His objective was to force Wechsler to "name names" of former comrades in the Communist party. Wechsler was equally determined not to betray youthful friends, many of whom might also have long since abandoned Communism. In his own defense, Wechsler had introduced a statement which the Communist party had issued in 1948, personally attacking him. This is part of Wechsler's account of that interrogation taken from his book, *The Age of Suspicion*:

> "I am rather fond of this tribute, and it may perhaps have some bearing on your comment that I have not been active in fighting communism."
>
> In a cold, casual voice McCarthy responded quickly:
>
> "Did you have anything to do with the passage of that resolution? Did you take any part in promoting the passage of that resolution?"
>
> I thought I had expected anything, but my imagination had been inadequate. His words registered slowly. I must have looked baffled as well as astonished, almost incapable of trusting my own senses.
>
> "Is that a serious question?" I asked.
>
> McCarthy turned briskly to the stenographer.
>
> "Will you read the question to the witness?"
>
> His voice was harder and tougher. In this strange proceeding he alternately played the role of prosecutor and judge, and now he was definitely the prosecutor. The stenographer read the question.
>
> I knew I was making an obvious effort to keep my voice down as I answered, and I am sure my hands trembled a little:
>
> "Sir, I have not been in any way affiliated with the communist movement since 1937, as I believe your investigation will show. That resolution was adopted by the Communist Party as a tribute to the militant and vigorous anti-communism of the New York *Post* which has, in my judgment, been more effective in leading people away from communism, Senator, than those who prefer to identify liberalism with communism."
>
> He let me finish and then, in the same flat tone, he said:
>
> "Now will you answer the question?"
>
> "The answer is no, Senator," I replied.
>
> "The answer is no. Do you know whether anyone on your staff took part in promoting the passage of that resolution?"
>
> "Senator, to the best of my knowledge, no one on my staff is a member of the Central Committee of the Communist Party or identified with it in any way."
>
> "Now will you answer the question? Will you read the question to the witness?"
>
> "I have answered it as best I can."
>
> "You have said that you did not think anyone on your staff was a part of the committee. That was not the question. Read the question to the witness."
>
> The stenographer read it. The faint smile which McCarthy had exhibited earlier was gone now. Once again, in a voice that must have sounded spiritless, I answered the question.
>
> "I do not know that anyone on my staff took any part in promoting the passage of that resolution," I said. He had astonished me, and he knew it.
>
> Thus, within ten minutes after the hearing had begun, I found myself in the preposterous position of denying under oath that I had inspired the long series

> of communist attacks against me, climaxed with the denunciation of the Central Committee.
>
> With that single stroke of what Philip Graham, publisher of the Washington *Post,* later described as "brute brilliance," McCarthy thus virtually ruled out the whole structure of evidence which I had wide-eyedly assumed would resolve the issue once and for all.[26]

Wechsler's hearing ended with his providing McCarthy with a list of names of other members of the Young Communist League whom he could remember. The only concession the editor could win was that the list not be published as part of the subcommittee's record. McCarthy had vanquished another opponent.

Looking back over Senator McCarthy's investigation of the State Department's overseas information program, it is hard to imagine what he thought he had accomplished. His aides, Cohn and Schine, had made a much publicized tour of overseas libraries, which led to the removal from their shelves of such "subversive" books as Dashiel Hammett's *The Maltese Falcon.* Such behavior brought ridicule from America's overseas allies and fury from the Senate Foreign Relations Committee, which believed McCarthy was invading its jurisdiction. The persistent investigations of the State Department ruined careers and demoralized the department. Prominent authors were badgered in public and closed hearings. No terrible spy ring was uncovered, no subversion documented, no particularly new information presented, but Senator McCarthy considered the hearings a tremendous success. In fact, his biographer, David Oshinsky, has noted that "those who followed him sensed an important change in his behavior. The jauntiness and the self-mockery were gone. There were no more winks at newsmen who questioned his charges. Now, like the true believer, he lectured them about Communists in colleges, the defense plants, and the VOA [Voice of America]. 'You don't understand,' he told columnist Jack Anderson. 'This is the real thing, the *real thing.*' "[27]

Mr. President, if the expression "a loose cannon on a rolling deck" ever applied to any member of the United States Senate, it seems appropriate for Joe McCarthy in the Eighty-third Congress. He may have been transformed from cynical publicity-seeker to true believing crusader, but, no matter what his motivations, he daily demonstrated that he operated under no one's rules other than his own. McCarthy's arbitrary behavior, particularly with regard to the appointment of staff, so outraged his Democratic colleagues that they walked out of the subcommittee and boycotted its meetings for months. Young Robert Kennedy also left McCarthy's staff in the summer of 1953, to return later as counsel to the Democratic minority. But, while opposition to McCarthy mounted in the Senate and within the White House, the senator's national popularity rose. One wonders what heights he might have reached had he not made the mistake of taking on the United States army.

Mr. President, so much has been written about the Army-McCarthy hearings that it is difficult to summarize them. Because they were televised, they riveted the nation's attention on McCarthy and his activities as nothing before, and many commentators attribute his downfall to that raw national exposure. The hearings grew out of McCarthy's earlier investigation into laxness of security at the Army Signal Corps' top secret laboratories at Fort Monmouth, New Jersey. It was a complex, meandering investigation, but eventually it converged on the promotion from captain to major of an army dentist, Irving Peress, whom army intelligence had suspected of disloyalty. "Who promoted Peress?" became McCarthy's rallying cry. This was a legitimate question; a mistake had been made, but McCarthy's approach was typically unrestrained. While in-

Crowds lined up outside the Senate Caucus Room to witness the Army-McCarthy hearings.

George Tames/New York Times

terrogating Brigadier General Ralph Zwicker, Peress' commanding officer, the senator exploded in anger, calling him "not fit to wear that uniform." Later, that evening, when he had calmed down, McCarthy conceded, "I guess I treated Zwicker pretty rough," but the damage had been done.[28]

The Eisenhower administration wanted no such harassment of army officers. Secretary of the Army Robert Stevens denounced McCarthy's behavior and ordered General Zwicker not to reappear before the subcommittee. An angry Senator McCarthy called Stevens to threaten that he was going to "kick the brains out of anyone who protects Communists! . . . Communists! . . . You just go ahead," McCarthy taunted. "I will guarantee you that you will live to regret it." McCarthy's friends in the Senate rushed to intervene between the Wisconsin senator and the army. The hapless Secretary Stevens was invited to a fried chicken luncheon with McCarthy and other senators in the Senate Republican Campaign Committee room at the Capitol, where Stevens agreed to a "memorandum of understanding," giving in to all of McCarthy's demands. The press reported the "chicken luncheon" as a total capitulation; and the next day, Secretary Stevens issued a statement, approved by President Eisenhower, that the army personnel would not be "browbeaten or humiliated." The army then accused Senator McCarthy of seeking preferential treatment for a former staff member, David Schine, who had recently been drafted. McCarthy rebutted that the army was holding Schine "hostage" in an attempt to "blackmail" him into calling off his investigation.[29]

These were serious charges. Either the U.S. army or Senator Joe McCarthy was lying. The Permanent Subcommittee on Investigations voted to hold hearings on the matter, and Senator McCarthy agreed to step down temporarily as chairman in favor of Senator Karl Mundt of South Dakota. Ray Jenkins would act as committee counsel, and a Boston lawyer, Joseph Welch, would represent the army.

From April through June 1954, the Army-McCarthy hearings gripped the nation. Crowds lined up outside the Senate Caucus Room for available seats. Radio, television, and newspapers devoted extraordinary attention to the proceedings. Senator McCarthy, although no longer chairman, remained a force to be reckoned with. His repeated points of order interrupted the testimony and kept the focus of attention on him. He battled regularly with subcommittee Democrats John McClellan, Henry Jackson, and Stuart Symington. He jabbed and dodged, ridiculed and attacked. It was a remarkable performance before a television audience. But, in Joseph Welch, McCarthy confronted another remarkable performer and met his match.

On June 9, Joe McCarthy finally went too far. He gratuitously attacked a young lawyer in Welch's law firm, Fred Fisher. "In view of Mr. Welch's request that the information be given once we know of anyone who might be performing any work for the Communist Party, I think we should tell him that he has in his law firm a young man named Fisher whom he recommended, incidentally to do work on this committee, who has been for a number of years a member of an organization which was named, oh, years and years ago, as the legal bulwark of the Communist Party." With a pained expression, Joseph Welch delivered his famous response, "Until this moment, senator, I think I never really gaged your cruelty or your recklessness." Welch went on to describe how he had invited Fred Fisher to work with him on the Army-McCarthy hearings, but that Fisher had said he had once belonged to the Lawyers Guild. Despite the fact that Fisher was also secretary of the Young Republicans

COMMUNIST PARTY OR

In Joseph Welch, *far left*, Senator McCarthy had met his match. *Martin Luther King Library*

League of Newton, Massachusetts, a good indication of his politics, Welch decided not to subject the young lawyer to possible attack during the hearings and sent him back to Boston. When McCarthy attempted to continue his attack on Fisher, Welch angrily cut him off. "Let us not assassinate this lad further, senator. You have done enough. Have you no sense of decency, sir, at long last? Have you left no sense of decency?"[30]

After delivering this blast, Joseph Welch left the Caucus Room to a burst of applause from the audience. Senator McCarthy could be seen shrugging his shoulders and asking, "What did I do?" What he had done, as Welch had expressed, was to destroy himself by demonstrating his "reckless cruelty" to an amazed national audience. Public opinion polls showed that McCarthy's favorable rating fell from 50 percent in January 1954 to 34 percent in June.[31]

The rest, as they say, is history. Under pressure from both Republicans and Democrats, Roy Cohn resigned as subcommittee counsel. Senator Ralph Flanders of Vermont introduced a resolution to censure Senator McCarthy. A committee under Arthur Watkins of Utah took the censure resolution under consideration that summer. In November, Democrats won back control of the Senate, beginning twenty-six years in the majority. Later in November, the Senate returned to debate the censure of Joseph McCarthy.

Our colleague, Senator Barry Goldwater, has recounted in his memoir *With No Apologies* how, right up to the end, McCarthy refused to help his own case. Senator Goldwater told how Senator Price Daniel of Texas had informed him that a number of southern Democrats would vote against censure if Senator McCarthy formally apologized to those members of the Senate whom he had insulted. Senator Goldwater and McCarthy's attorney, Edward Bennett Williams, carried this message to Senator McCarthy at Bethesda Naval Hospital, where he was undergoing treatment. Both urged him to sign the letters of apology to stave off censure. "This upset McCarthy," Senator Goldwater wrote. "He threw the pen across the room, started swearing at both of us, and pounded the table." [32] On December 2, 1954, the Senate voted 67 to 22 that Joseph R. McCarthy's conduct was "contrary to senatorial traditions and is hereby condemned."

Mr. President, I think it must be hard for anyone who has not served in the Senate of the United States to comprehend how devastating censure can be to a senator. Censure does not remove a member's right to vote or speak or serve on committees. But, in as collegial a body as this, censure is an awesome punishment, and, from all accounts, Senator McCarthy suffered mightily as a result. Our own Dr. Floyd Riddick, the Senate's parliamentarian emeritus, has recalled that "from the time that McCarthy was censured until he died, he would call me frequently, as a regular practice when he was going to hold a press conference, he'd call me and read his statement to me and say: 'Do you think that's something that would offend the Senate's dignity?' . . . He became very inactive; he really, it seemed to me, became almost ashamed to come on the Senate floor." [33]

Similarly, Ruth Watt recalls how the Eisenhower administration publicly shunned McCarthy after his censure. On one occasion, Eisenhower held a reception for every member of the Senate except Joe McCarthy. "We were having a hearing in the Caucus Room," she recalled, "and Senator McCarthy kept calling me over and saying, 'Ruthy, go ask Mary Driscoll [McCarthy's secretary] if I've heard from the White House yet, if I've gotten an invitation,' which I thought was kind of sad. I'd call Mary and she'd say, 'You know very well he hasn't. He's not going to get any invitation to that party tonight.' " [34]

McCarthy's final years were sad ones. Censured by his colleagues, shunned by his party, ignored by the press, he began to drink more heavily. In May 1957, at the age of forty-eight, he died in office, very much a broken man. His crusade produced no substantial evidence of Communists in government. Instead, his reckless behavior helped undermine the public credibility of the anti-communist movement. He sought to fight international communism but devoted his energies to battling his own nation's diplomats and military. He made the public suspicious of congressional investigations as a threat to civil liberties, a suspicion that lingered for two decades until erased by the stellar work of the Watergate Committee. He demonstrated remarkable talents and native intelligence but proved unable to channel them constructively. By most accounts, he was a warm, generous, likeable man, but he made himself a controversial and even hated member of the United States Senate. In all our history, there probably has never been a more tragic and misguided figure.

CHAPTER 31

Robert A. Taft's Senate
1945–1953

November 18, 1985

Mr. President, in several previous addresses on the Senate's history I have spoken of those crucial years following the end of the Second World War in 1945. I have discussed the landmark Legislative Reorganization Act of 1946 that provided the base of support on which the modern Senate operates. Recently, I devoted an address to the topic of the Senate and foreign policy during the nearly eight years of the Truman presidency. Finally, I spoke of the postwar conditions that gave rise to the era of Senator Joseph R. McCarthy. Today, I shall turn my attention to the major domestic policy issues that the Senate confronted between 1945 and 1953, the year in which I first came to the House of Representatives.

In any survey of Senate life during that period, there are a handful of senators whose names immediately come to mind. They include Tennessee's Kenneth McKellar, Georgia's Walter George and Richard Russell, Arizona's Carl Hayden, Wyoming's Joseph O'Mahoney, Montana's James Murray, New Hampshire's Styles Bridges, and Alabama's Lister Hill. Each of these men left an impact on this institution and on the laws of our nation. There are other senators, of course, who had a major influence on the Senate and on the nation's laws, but I have selected these in particular, it being obvious that one cannot in one dissertation—without making it overly long—go into the services that were performed by each and every senator during a particular era. There is one member, however, whose career reached its zenith during the Truman administration. A review of his activities will bring some focus to life in the Senate during those turbulent postwar years.

That senator's memorials surround us today. Across Constitution Avenue, there arises from the sloping ground of Capitol Hill a white marble bell tower bearing his name. At its base, his ten-foot-high bronze statue stands guard. Just outside this Senate chamber, in the Reception Room, there appear five medallion portraits. These artistic representations honor the elite among the Senate's most outstanding former members. One of those senators, considered by many historians to have been among the most powerful senators in modern times, is the subject of my remarks today—Robert A. Taft, Sr., Republican of Ohio.

This portrait of Robert A. Taft, by Deane Keller, adorns the Senate Reception Room.
Architect of the Capitol

Born in Cincinnati in the waning years of the nineteenth century, Robert Taft descended from one of this nation's most illustrious political families. His grandfather had held positions as attorney general and secretary of war in Ulysses Grant's administration. His father, William Howard Taft, served as civil governor of the Philippines, as secretary of war under Theodore Roosevelt, as president of the United States from 1909 to 1913, and as chief justice of the United States from 1921 to 1930.[1]

Robert Taft came to the Senate in 1939 at the age of forty-nine, following a successful career in Ohio law and politics. At first appearance, he seemed somewhat out of place in the political arena. A dry and somewhat uninspiring speaker, Robert Taft lacked the natural gregariousness found in many of his Senate colleagues. Yet, as his biographer James Patterson notes, he made up for his reserved and professorial manner through "a limitless capacity for work, careful attention to organization, candor in discussing issues, and—above all—command of factual information." [2]

The freshman Ohio senator quickly established himself as a forceful critic of President Roosevelt's economic policies. He attacked deficit spending, high farm subsidies, the federal bureaucracy, federal aid to education, and government-subsidized health insurance. Taft viewed the New Deal as an unfortunate adventure in socialism. In foreign policy, he stoutly opposed American involvement in allied efforts to resist Germany's aggressive aims under Hitler. He argued that Germany posed no threat to the western hemisphere and that involvement with Europe's problems would only promote socialism in this country. These isolationist views caused this prominent freshman senator to lose the 1940 Republican presidential nomination, on the sixth ballot, to internationalist Wendell Willkie. From 1941 to 1945, Taft steadfastly opposed the Roosevelt administration's major foreign and domestic policies.

This opposition nearly proved fatal to Taft's ability to continue his Senate career. In a hotly contested 1944 campaign, Taft won reelection by less than one percentage point. With the security of a fresh six-year term ahead, he returned to Washington in 1945 as the Senate's leading Republican and as a principal spokesman for the bipartisan conservative block that then dominated both houses of Congress. For the next eight years, until his untimely death in 1953, Robert A. Taft effectively exercised enormous power on Capitol Hill.

The major problem facing the Senate in 1945 was conversion from a wartime to a

Young Bob Taft, *right*, with his brother Charles and his father President William Howard Taft at the family's home, c. 1909. *Library of Congress*

peacetime economy. The war had brought full employment and a dramatic increase in personal income. As Germany and Japan moved toward surrender, the nation found itself without adequate plans for sustaining its robust economy. Americans entered the postwar period with more money in the bank than ever before, along with the determination to enjoy the consumer goods that had been difficult to obtain during the wartime emergency. Members of the Senate recognized that there existed a dangerous climate in which inflation was likely to develop as too much money chased too few goods across the economic landscape.[3]

President Truman set the tone for postwar reconversion efforts in an address to a joint session of Congress on September 6, 1945. Coming just four days after Japan's formal surrender, the president's remarks included twenty-one points he wished Congress to consider in reconstructing the nation's economy. His proposals contained measures to encourage full employment, improve collective bargaining, promote unemployment compensation, continue authority for economic controls, increase the minimum wage, reduce taxes, and provide for an expanded public works program.[4]

The war and the new president's honeymoon with Congress ended at about the same time. When Franklin Roosevelt's death had elevated Harry Truman to the White House in April 1945, Robert Taft expressed cautious optimism that his former Senate colleague would pursue a more conservative and less flamboyant course than his predecessor. Such optimism had vanished by the fall of the year, however, as Taft concluded that Truman would "be as much a New

Dealer as Roosevelt." He could only hope that the president would "not acquire the popularity of Roosevelt for election purposes." [5] The Ohio Republican complained to friends that the president "hasn't got the background or education to analyze complex economic problems for himself, so he takes what is handed to him by the bureaus which are full of New Dealers."

Taft and his Senate allies quickly capitalized on the nation's restlessness under governmental restrictions. Early in 1946, the Senate reduced corporate tax rates and killed the excess profits tax that had plagued American industry during the war. With minor exceptions, Taft held out for a balanced budget and stoutly opposed deficit spending proposals. He also fought vigorously against administration efforts to establish a permanent Fair Employment Practices Commission. Although he helped achieve cloture to end a southern filibuster on this bill, Taft substituted milder language that would give the commission merely powers of persuasion. Like other well-meaning legislators of his era, Taft believed that the government could not effectively legislate against racial discrimination. He argued that "it is just about as difficult to prevent discrimination against negroes as it is to prevent discrimination against Republicans." [6]

In the spring of 1946, Taft turned his attention to two increasingly troublesome issues: labor unrest and price control. With the war over, union leaders began to push for significant wage increases. When management refused to go along with these demands, a series of nationwide strikes broke out in such vital industries as coal, steel, automobiles, and transportation. This unprecedented labor militance fueled determination of many powerful conservative members of Congress to place drastic new limits on unions. As the nation lay in the clutches of a paralyzing railroad strike in May 1946, the Senate accepted Taft-sponsored amendments to the 1935 National Labor Relations Act. This legislation sought to establish a Federal Mediation Board, largely independent of the Labor Department; to set a sixty-day cooling-off period before strikes could take place; to provide for employer involvement in the administration of union welfare funds; and to prohibit secondary boycotts. President Truman quickly vetoed this legislation on constitutional and practical grounds. The House failed to override the president's action, but Taft vowed to force the issue in the next Congress.

At the height of the rail strike, the president appeared before Congress and demanded authority to deal decisively with unions that acted against the national interest. Specifically, Truman wished to declare a state of emergency in cases where unions struck against vital industries or in the mines. This would allow him to assure government control of the industries involved, to punish defiant union leaders, and to draft strikers into the military. Within two hours of the president's request, the House of Representatives passed authorizing legislation by a 306 to 13 margin. Contrary to popular expectations, the Senate refused to go along with the hysteria that had propelled the measure in the House. This occurred because Taft, true to his consistent opposition to federal intervention in the lives of citizens—whether union members or corporate executives—joined forces with Senator Claude Pepper to engineer Senate defeat of the bill by a vote of 13 to 70. The Senate eventually passed a weakened version that Taft continued to oppose because he strongly felt it violated workers' civil liberties.[7]

Taft also engaged the other great domestic issue of 1946—price control. By the end of the year, he had succeeded in his campaign to remove most controls. As his biographer has noted, "Few issues of his long career did more to stamp him in the eyes of his critics as a friend of business and an enemy of the poor man." [8] As wages increased under steady union pressure, the administration fought the immediate removal of wartime price ceilings. This reduced profit margins and brought howls of protest from businessmen. Taft mistakenly believed that a removal of price controls would stimulate production which, in turn, would satisfy demand, thus stabilizing prices. This view ignored the fact that most manufacturers were already producing close to capacity and that potential demand was much greater than expected. As it was, producers of abundant commodities such as lumber and meat were withholding their goods from the market in an effort to force the administration to remove controls. This resulted in severe shortages. Few Americans today who are old enough to remember 1946 can forget the frustration of empty meat cases and the emotion attached to the news that black market supplies had reached certain local stores.

As the Truman administration sought an extension of price controls beyond mid-1946, Taft used his position as second ranking minority member of the Banking and Currency Committee to oppose this action. One of his amendments outlawed price ceilings that failed to provide comfortable profit margins equal to those of October 1941. Truman vetoed the resulting legislation, after singling out Taft for particular criticism. This left the country without any price controls, triggering a rapid increase in prices and a resulting public outcry. Within a few weeks, Congress passed and the president signed a slightly revised price control measure, but it was too late to check the inflationary impact of this fundamental dispute between Congress and the White House.

While many Americans blamed Taft for this situation, he was becoming recognized as the preeminent leader of Senate Republicans. As Congress adjourned at midsummer, cover stories in both *Time* and *Newsweek* underscored Taft's increasing prominence. As the fall congressional election campaigns got underway, severe shortages of meat forced the president to remove price controls on that commodity. With Republicans resorting to slogans such as "To Err is Truman" and "Under Truman: Two Families in Every Garage," Taft noted happily, "If Truman wanted to elect a Republican Congress, he could not be doing a better job." [9]

Election day 1946 brought disaster to Democrats in Congress as Republicans took control of both houses for the first time since 1930. Republicans increased their membership in the Senate from 38 to 51 while the Democrats dropped from 57 to 45. Among the casualties were four of the Senate's seven most senior members—Henrik Shipstead, Burton Wheeler, Robert La Follette, Jr., and David Walsh. The new Senate Class of 1946 included such conservative Republicans as William Jenner of Indiana, William Knowland of California, George Malone of Nevada, Joseph McCarthy of Wisconsin, Arthur Watkins of Utah, and John Williams of Delaware.

Robert Taft held many reins of power as the Eightieth Congress got underway on January 3, 1947. Although the title of Majority Leader was conferred on the amiable Wallace White of Maine, White himself candidly told reporters, "Taft is the man you want to see." On the Senate floor, White often turned to receive signals from Taft. This prompted reporters to jokingly offer the new Republican Leader a rear-view mirror. [10]

Joseph R. McCarthy's defeat of Robert La Follette, Jr., had the effect of elevating Taft to the position of senior Republican on the new Labor and Public Welfare Committee as well as the Finance Committee. Under the recently passed Legislative Reorganization Act, senators could serve on only two major committees and chair only one. Taft reluctantly resigned from the Banking Committee and, with equal reluctance, accepted the helm of the Labor Committee. He would have preferred to chair the Finance Committee, but that would have opened the labor panel chairmanship to the next ranking Republican, Vermont's George Aiken. From his experience in labor matters during 1946, Taft wanted the Labor Committee to move against the growing power and militance of the unions. George Aiken seemed reluctant to do so, and Taft was unable to engineer an arrangement to bypass the independent Vermont senator. Taft also chaired the newly created Republican Policy Committee, a post that he inherited by virtue of having led the Republican Steering Committee since 1944. Elsewhere in the Senate, men who shared Taft's conservative philosophy were safely in command of the other major committees. They included New Hampshire's Styles Bridges on Appropriations and Colorado's Eugene Millikin on Finance.

Robert Taft quickly asserted his control over the Senate's 1947 legislative agenda. In expressing his goals for the new Congress, Taft proclaimed, "The main issue of the [1946] election was the restoration of freedom and the elimination or reduction of constantly increasing interference with family life and with business by autocratic government bureaus and autocratic labor leaders." [11] Although Republicans held the Senate by a modest 51 to 45 margin, Senators Wayne Morse and William Langer could not be counted on to follow that party's lead. Nonetheless, Taft was able to rely on such conservative southern Democrats as Richard Russell, Walter George, and Harry Byrd, Sr., to forge necessary coalitions. Certainly, the closeness of the division between the two parties made members more receptive to party discipline than in earlier years when the Democrats had held lopsided majorities. The *New Republic* grudgingly acknowledged Taft's preeminence, in observing that "Congress now consists of the House, the Senate, and Bob Taft." [12]

Within the Senate's Republican ranks, Taft experienced the difficulties of any party leader in trying to accommodate all factions. In particular, he faced considerable unrest from the more conservative Republican members of the Class of 1946. Although Taft had strong foreign policy views, he reluctantly deferred to Foreign Relations Committee Chairman Arthur Vandenberg to avoid a potentially crippling party split. This was particularly stressful for Taft. Believing that strong parties were the bedrock on which the American political system rested, he disliked Vandenberg's willingness to cooperate with the Democrats in a bipartisan approach to foreign affairs.

Taft's style of leadership found little room for personal warmth or conviviality. At times, he conveyed a sense of intellectual arrogance that offended associates. His biographer, James Patterson, observes that Taft "struck many people as abrupt, cold, and inhumanly efficient. It did not occur to him to linger with colleagues, to swap stories, or to pause for a drink after work. Though he did his share of entertaining, he never grew very close personally to any of his colleagues." Professor Patterson concludes, "It was therefore not surprising that some of his peers in a body that treasured the conviviality of men like Alben Barkley of Kentucky and the courtly geniality of Richard Russell of Georgia found his often abrupt manners difficult to understand." [13]

Robert Taft's most enduring legislative monument, and the major domestic policy accomplishment of the Eightieth Congress, was the Labor-Management Relations Act of 1947, more widely known as the Taft-Hartley Act. A version of this measure, similar to the bill that the president vetoed the previous year, arrived in the Senate in April 1947 after the House had passed it by a decisive 308 to 107 margin. Through the first four months of 1947, the Labor Committee, under Taft's leadership, struggled to devise a bill that would mollify hard-line antiunionists in the House, survive a presidential veto, and incorporate the chairman's support for labor's right to strike and to bargain collectively with management. As in 1946, Taft vigorously objected to federal government involvement, particularly its intervention in nationwide strikes. He opposed provisions to allow the president to seize industries and to draft strikers. He believed that government's only role was to protect individual workers from the excesses of their union leaders.

As finally passed in mid-1947, the Taft-Hartley Act outlawed the "closed shop" requiring new workers to join a union before they could be employed. It also declared illegal certain "unfair labor practices." These included strikes called over jurisdictional disputes between unions, secondary boycotts, and union contributions to political campaigns. The act required unions to file financial reports with the Labor Department and, most significantly, it allowed the president to seek court injunctions delaying strike action for an eighty-day cooling-off period. Union leaders called the act a "slave labor law" because such injunctions forced men and women to work against their will. Union leaders also resented the insulting provision that required union officers to take an oath that they were not Communists. Thus, rather than weakening the union movement, the Taft-Hartley Act served to unify organized labor.

Truman vetoed the Taft-Hartley Act, but the House quickly overrode the president's veto, and, after a twenty-eight-hour filibuster led by Senators Wayne Morse and Claude Pepper, the Senate followed suit by a vote of 68 to 25. Union leader Philip Murray expressed labor's reaction by calling the sponsors of this measure "diabolical men who, seething with hatred, designed this ugly measure for the purpose of imposing their wrath upon the millions of organized and unorganized workers throughout the United States."[14] More than 200,000 soft-coal miners immediately went on strike to protest the Taft-Hartley Act. Senator Taft had handed the Democrats a ready-made campaign issue for the 1948 elections.

Beyond labor issues, Taft also concerned himself with broad economic policy during the Eightieth Congress. In addition to his other heavy responsibilities, Taft took on the chairmanship of the newly created Joint Economic Committee. In this capacity, he promoted efforts to reduce federal spending, especially military spending. He opposed efforts to raise the minimum hourly wage from sixty-five cents to seventy-five cents. He also led the campaign for federal tax reduction that resulted in Congress' sending the president, on July 1, 1947, an act designed to save taxpayers $4 billion. President Truman vetoed this measure, arguing that it would contribute to inflation and undercut his efforts to reduce the government's indebtedness. Although his veto was barely sustained—in the Senate falling five votes short of the necessary two-thirds to override—both houses in the following year passed similar legislation and, in the face of upcoming congressional elections, managed to override the resulting second presidential veto.

Conservative House Republicans undermined Taft's most positive accomplishment of the 1948 session. Largely as a result of his leadership, the Senate passed, on April 1, 1948, the first general aid-to-education bill in more than a half century. He obtained support from twenty-seven of the forty-four Senate Republicans who voted on this $300 million measure. The House failed to go along, however, with many of its members decrying this legislation as a sure road to socialism.

A coalition of moderate Republicans and moderate southern, southwestern, and border-state Democrats was largely responsible for enacting the Senate's domestic program during the Eightieth Congress. Robert Taft managed this coalition to produce labor, tax reduction, and social security legislation that he hoped would bolster his party's prospects for the 1948 elections. At the same time, this coalition blocked administration initiatives in universal military training, civil rights, public housing, aid to education, and higher minimum wages. By mid-1947, the president concluded that the makeup of the Republican Congress rendered futile any vigorous campaign on his part to move key legislation and decided that the veto would be his most effective weapon. This encouraged Republican Senate leaders to modify the most objectionable portions of their legislative packages as a means of securing enough Democratic votes to override Truman's inevitable vetoes.[15]

Mr. President, it was also at this time, late in 1947, that the Senate career of one of our most beloved colleagues had its beginning. Upon the death of Mississippi Senator Theodore G. Bilbo, five men announced their candidacies for his vacant seat. They included two members of the House of Representatives and three other prominent Mississippians. Among the latter group was a man whom the local press described as an "able DeKalb jurist." That gentleman was Judge John C. Stennis, who demonstrated his popularity with a broad cross section of his state's population by winning that race with 27 percent of the total vote. His closest rival, Representative William Colmer, polled 24 percent.[16]

Mr. President, Senator Stennis' term began on November 5, 1947. Last week, on November 15, 1985, he achieved yet another distinction in a career filled with honors and accomplishments. On that day, he became the second longest-serving member in the history of the Senate, surpassing Richard Russell's record of thirty-eight years and nine days. Only Arizona's Carl Hayden, among the 1,767 men and women who have sat in this body to date, exceeds that milestone with his record of forty-one years and ten months.

I am sure that Senator Stennis remembers well those emotion-filled days leading to the presidential election of 1948. President Truman believed that full public exposure to the escapades of what he labeled as the "do-nothing" Eightieth Congress would result in identifying the Republican party as a whole with the most reactionary members of that Congress. This was effective campaign rhetoric, even though the record of that Congress was not as barren as the president would have liked the voters to believe. Nor had that conservative Congress succeeded in dismantling broad New Deal era reforms. As Professor Susan Hartmann has pointed out in her excellent study of that Congress, "Given the unhospitable atmosphere for reform and Truman's limitations as a legislative leader, the record of the Eightieth Congress testified remarkably to the acceptance of a large role for the Federal Government in the promotion of economic stability and social welfare." She continued:

> The successful attacks on New Deal programs represented a limited curtailment of some programs, not a wholesale dismantling of reform legislation. Although important restrictions were placed upon organized labor, the Taft-Hartley act did not destroy government protection of collective bargaining. While tax relief was granted in larger measure to higher income groups, the principle of progressive taxation prevailed. The Eightieth Congress overruled judicial interpretations expanding social security but made no cutbacks in current coverage and took a modest step toward expanding benefits. And, although budget requests were cut for a variety of programs, the substance of each was left intact.[17]

Robert Taft's prominent leadership role during the Eightieth Congress elevated him to the front rank of Republican presidential hopefuls by the spring of 1948. His major apparent rivals were New York Governor Thomas E. Dewey, who had lost to Roosevelt in 1944, and Minnesota Governor Harold Stassen. Unfortunately for Taft, his aloof manner, terrible press relations, and poor campaign organization doomed his chances. In the April Nebraska primary, he ran an unconvincing third to Dewey and Stassen. In his home state of Ohio, he managed to turn back a Stassen challenge, but only at great physical and financial cost. Taft went into the 1948 Republican Convention at a tactical disadvantage, for the Eightieth Congress had remained in session until 7:15 a.m. on Sunday, the day before the convention was to open. As the proceedings unfolded, it became apparent to Taft that his organization simply lacked the strength and efficiency of Dewey's campaign machinery. Trailing in the first two ballots, he conceded to Dewey. Ostensibly united under Dewey's banner, Republicans left the convention confident of victory in November.

Three weeks later, as Taft prepared to relax for the remainder of the summer, President Truman startled the nation by announcing at the Democratic Convention that he was calling the Republican-controlled Congress back into a special session "to get the laws the people need." The president shrewdly placed the Republicans on the defensive by demanding that their congressional members increase the minimum wage, control high prices, and pass legislation for public housing and aid to education. If Republican leaders failed to follow Truman's direction, he would charge them with neglecting issues vital to the national interest.

While some Republican congressional leaders believed the best tactic would be to adjourn the session as soon as it met, Taft refused to fall into the president's trap. He successfully counseled other members of his party's high command to allow both houses to meet briefly, pass some minor legislation, and then adjourn. Consequently, the Congress met for two weeks and adjourned on August 7. That short session aggravated tensions between Republican factions in the Senate. Liberal Republicans succeeded in reporting for floor action the public housing bill that Taft had supported earlier in the session. Taft opposed these tactics and ended up engineering defeat of his own measure. This prompted Democratic Leader and vice-presidential candidate Alben Barkley to observe that "the Senator from Ohio apparently has surrendered his position." It also gave Truman the opportunity to chide the Republican leader by charging that, after losing his party's nomination, "Taft didn't have to carry on his pretense of caring about the needs of the people. He could act," the president continued, "in his real character—as a cold-hearted, cruel aristocrat."[18]

During the fall campaign, Robert Taft and Thomas Dewey quickly parted company, splitting, as in the 1940 contest, into two ideological and geographical camps. Dewey rallied his party's liberal, eastern, internationalist wing while Taft astutely consolidated the conservative, midwestern, isolationist bloc. Dewey's campaign, and his party's confidence about victory, caused many Republican voters to stay at home on election day. The result, as we know, was Truman's surprising victory.

Earlier in the year, Senate Democratic Secretary Leslie Biffle, fearing the consequences of a Truman loss for his party in the Senate, worked diligently to assemble a strong slate of prominent Democratic challengers that would ensure return of Democratic control. Biffle's strategy paid off handsomely as the Democrats gained nine seats and thus recaptured the Senate by a 54 to 42 margin.

KLIEGL BROS N.Y.

Robert Taft, seeking the Republican presidential nomination, appears on "Meet the Press," December 4, 1947.
U.S. Senate Historical Office

The Senate Class of 1948, by any measure, came to be regarded as one of the most remarkable freshman classes in modern times. Its Democratic members included our distinguished colleague from Louisiana, then-thirty-year-old Russell Long; former Secretary of Agriculture Clinton Anderson of New Mexico; the crusading mayor of Minneapolis, Hubert Humphrey; Paul Douglas, the liberal economist from the University of Chicago; Robert Kerr, the millionaire former governor of Oklahoma; Tennessee-progressive Estes Kefauver; and Texas Representative Lyndon B. Johnson, whose eighty-seven-vote primary victory margin earned him the nickname Landslide Lyndon.

Most of the fourteen Democrats among the Senate's eighteen new members had significantly outpolled the president in their respective states. Columnists Rowland Evans and Robert Novak later observed that this class, "perhaps the most publicized band of freshmen in Senate history, consisted of independent personalities whose ambitions, idiosyncracies, and rivalries were to shape the history of the Senate and the nation for the next decade." [19]

As the new Senate convened on January 3, 1949, the Republicans found themselves back in their accustomed role as the minority party. Republican Senators Henry Cabot Lodge, William Knowland, and Irving Ives blamed Dewey's defeat on the negative record of the Eightieth Congress and called for fresh Senate party leadership. With the retirement of Wallace White, the party's nominal Majority Leader, the Lodge faction sought to oust Taft as chairman of the Republican Policy Committee and to prevent the election of Nebraska's Kenneth Wherry as floor leader. The dissidents proposed a slate that included Lodge as chairman of the Policy Committee, Knowland as floor leader, and Lodge's Massachusetts colleague Leverett Saltonstall as party whip. When the votes were counted, however, Taft and Wherry won easily. To mollify the dissidents, they allowed Saltonstall to become whip and placed him and Irving Ives on the Policy Committee.[20]

The newly victorious Democrats, for their part, selected ten-year veteran Scott Lucas of Illinois as floor leader to replace Alben Barkley, who had been elected vice president. Lucas had served as Democratic whip in the previous Congress but lacked the finesse and experience of Barkley, who had been floor leader since 1937. Lucas, a Truman loyalist, faced a difficult task, for only forty of the Senate's fifty-four Democrats regularly voted for administration programs. In spite of his robust build and great stamina, Lucas began to show signs of strain under the pressures of his new position. In 1949, after an exhausting filibuster over civil rights legislation, the fifty-seven-year-old senator was hospitalized for three weeks suffering from a stomach ulcer.[21]

Despite the factionalism among Republicans and their return to minority status, Taft maintained his effectiveness and balance. Campaign rhetoric aside, President Truman confided to a friend that he believed Taft was "a high class man. He is honest, intelligent, and extremely capable." [22] A poll of two hundred Washington newsmen awarded Taft the designation of "best senator." (William Jenner of Indiana was voted the "worst.")

Fresh from his surprise election victory, President Truman came to Capitol Hill in January 1949 to enunciate a program that consolidated the domestic initiatives that he had been seeking since becoming chief executive in 1945. Declaring that "every segment of our population and every individual has a right to expect from our Government a fair deal," Mr. Truman outlined his plan to spur economic growth, restrain inflation, reduce the national debt, streamline the executive branch, and improve the quality of social services.[23]

The president assigned a high priority to civil rights legislation within his Fair Deal proposals. Although he was able to take limited executive action in this direction, such as ending racial segregation at Washington's National Airport and at his own inauguration, he realized that Congress held the key to reform. In the Senate, interpretation of the cloture rule would determine whether civil rights legislation stood a chance of success. During the previous year, Senator Arthur Vandenberg, as president pro tempore, had ruled that cloture could not be invoked on motions to consider legislation. The ruling destroyed cloture as a debate limiting device for the remainder of the Eightieth Congress. In 1949, however, Senate Republican leaders offered to allow cloture on any "motion" or measure. Senate Majority Leader Lucas failed to capitalize on this offer, thus permitting those senators who opposed cloture to preserve Vandenberg's earlier interpretation.[24]

Subsequently, both floor leaders presented a cloture motion, signed by thirty-three senators, to shut off debate on the motion to overturn Vandenberg's ruling. Vice President Barkley ruled favorably on the motion, but, on appeal from his decision, the Senate immediately reversed the ruling. This action, engineered by Senators Vandenberg and Richard Russell, led to a further restriction on the Senate's ability to obtain cloture. On March 17, 1949, the Senate adopted a resolution that required a constitutional two-thirds of all senators, rather than two-thirds of those present and voting, to invoke cloture. This doomed the portion of the administration's civil rights program that required congressional approval.

In the area of public housing, the president looked to Robert Taft and to southern conservatives for support. He sought to strengthen and extend rent controls and to add more than 800,000 public housing units to the nation's inventory. The chief executive's aides needlessly antagonized Taft by giving him only an hour to study the administration bill before it was introduced. Although Taft retaliated by introducing his own bill, he eventually reconciled his differences with the administration. Despite the efforts of the real estate lobby to kill the legislation by inserting a provision to prevent racial discrimination in public housing, their efforts were turned aside, and the president signed the Housing Act in mid-summer.

Most of the president's other domestic policy initiatives ran into fatal opposition in the Senate or House. Only four months into the 1949 congressional session, Mr. Truman reluctantly agreed to cut back on his legislative agenda. When Democratic Leader Scott Lucas leaked that news to the press, the president exploded with anger. At one point, with characteristic sarcasm, he charged that the Senate's Democratic leaders did "not have the guts of a gnat."[25] The president's anger flared again when the Senate Armed Services Committee voted to table the nomination of his close friend, former Senator and Washington state Governor Monrad Wallgren, as chairman of the National Security Resources Board. The committee's majority argued that this was too important a post to treat as a patronage plum for a recently defeated Democratic governor. Senator Harry Byrd, Jr., expressed frustration that Wallgren had already arranged to have several of his key lieutenants appointed to positions on the board before the Senate had worked its will in the matter.

This followed an earlier series of disputes during which senators accused Truman of appointing cronies to key government posts. In 1946, his nominees to the Reconstruction Finance Corporation and the Federal Reserve Board were confirmed only after much difficulty. During that same year, the Senate, detecting possible influence peddling, forced the president to withdraw the nomination of California oilman Edwin Pauley to be under secretary of the navy. A year later, the president waged a difficult, but ultimately successful, campaign to obtain confirmation for his appointees to head the Atomic Energy Commission and the Tennessee Valley Authority. Finally, in 1949, the Senate rejected two major presidential appointments. The first was Leland Olds. Oil and gas interests, with the assistance of Lyndon Johnson, vigorously opposed his nomination to a third term on the Federal Power Commission. The other nomination was that of Carl Ilgenfritz, who refused to take the chairmanship of the Munitions Board at an annual salary of $14,000, unless he could retain his $70,000 salary as a steel executive. At that time, members of Congress earned only $12,500 per year![26]

Harry Truman also ran into congressional resistance with his efforts to repeal the Taft-Hartley Act. The likelihood of repeal dropped from slim to none in June 1949 when United Mine Workers President John L. Lewis declared a series of week-long vacations for coal miners. This came in retaliation against mine owners' efforts to reduce employee benefits to compensate for the financial reverses brought on by a decline in the coal market. Robert Taft could not have been happier, for this action demonstrated to him and to many of his Senate colleagues the value of the Taft-Hartley Act's controls on organized labor. A major coal strike lasted from late September until mid-November 1949. Early in 1950, a series of wildcat strikes forced the president to resort to the machinery provided by Taft-Hartley. When the miners refused to obey Lewis' order to return to work, the president sought a contempt citation against Lewis and the United Mine Workers. On the grounds that it lacked evidence, the court refused to issue the citation. When Truman then asked Congress for authority to seize the mines, the miners and owners quickly agreed on a new contract.

Labor unrest dominated relations between the Senate and the president for the remainder of his term in office, as trouble flared in the steel, telephone, aluminum, and railway industries. Nonetheless, the Senate agreed to several measures improving the lot of the nation's workers. These included an increase in the minimum wage and legislation to expand Social Security benefits.

Truman and the Senate quickly locked horns over the rapidly growing government deficit. A tax cut in 1948 had produced a deficit of $1.8 billion for fiscal 1949. This was three times greater than the president's own economic advisers had earlier estimated. The prediction of $5.5 billion for the coming year was even more alarming; yet, the onset of a recession in mid-1949 destroyed the president's efforts for a tax increase to offset this deficit. As the gross national product fell and unemployment rose, members of Congress were in no mood to support increased taxation. Neither was the president willing to call for a reduction in federal expenditures. This impasse guaranteed that the deficit would continue to expand.[27]

Robert Taft and Harry Truman worked with the Senate's Democratic leadership to pass major legislation providing federal aid to elementary and secondary education. The bill died in the House, however, victim of a dispute over allocation of funds to parochial and racially segregated schools. The fate of this legislation seemed typical of that awaiting other domestic policy measures. Powerful coalitions assembled to block presidential initiatives, resulting in a relatively unimpressive record for the administration. Few members of the Senate saw any strong reason to give the president their complete and unwavering support. Many felt that his agenda

Members of the Labor and Public Welfare Committee confer, c. 1950. Senators, *left to right*, are Wayne Morse; Herbert Lehman; Robert Taft, ranking Republican; and Elbert Thomas, chairman. *U.S. Senate Historical Office*

was simply too full to permit establishment of clear priorities and goals. Most Democratic members who won election in 1948 correctly believed that their victories were achieved without much assistance from the president's coattails.

Mr. Truman gave vent to his growing frustration with Congress on numerous occasions. He argued that the Twenty-second Amendment to the Constitution, limiting presidential terms, should have placed a twelve-year restriction on congressional service to prevent, in his words, the "fossilization of the key Committees." He added that "there are old time Senators who make Louis XIV of France and George I of England look like shining liberals." And he forecast that a limit on congressional service would "help cure senility and seniority—both terrible legislative diseases." [28]

Actually, compared to his record with the previous and subsequent congresses, Mr. Truman's record with the Eighty-first Congress was relatively impressive. Together, they had achieved notable advances in the fields of housing, Social Security, government efficiency, and minimum wage legislation. His agenda remained unachieved, however, in the areas of education, civil rights, agriculture, labor, health care, and taxation.

Professor Donald McCoy, in his recent biography of Harry Truman, provides a useful summary of the relations between Congress and the White House during the 1949 and 1950 sessions:

> Congress was beyond the control of the White House. There were usually enough Democratic and Republican conservatives, as well as recalcitrants, in Congress to block administration proposals on domestic affairs and to cause major battles occasionally even on foreign policy. And this coalition was well organized, especially in the Senate. Senator Paul H. Douglas wrote: "Its members always showed up for roll calls, and its power was occasionally openly flaunted, as when Harry F. Byrd and Robert A. Taft sat together on the floor checking the list of Senators and sending out for the absent or the few recalcitrants." Whatever Truman and his allies in Congress did was usually deemed to be wrong. When they were moderate, it was usually taken as a sign of weakness; when they were bold, it was taken as an attack. They had neither the weapons nor the ability to turn the president's narrow 1948 election victory into substantial legislative success. The congressional Democrats were at least as badly split as they had been in the Eightieth Congress, and the most conservative of them usually were in control of committees. The Republicans would prove to be less amenable to agreeing with the administration than they had been before; they may have lost in 1948, but they were planning to win again soon.[29]

By the summer of 1950, the outbreak of hostilities in Korea and the forthcoming congressional elections put an end to Senate action on domestic policy matters. In November, Robert Taft easily turned back a Democratic challenger to win a third Senate term. Achieving a margin of victory larger than that of any other Republican senator that year, Taft once again moved to the forefront of his party's presidential hopefuls. He had taken a prominent position of national party leadership during the campaign, charging the Truman administration with responsibility for "losing" China to the Communists, for high prices, for the conflict in Korea, and for government corruption. Other Republican candidates fared equally well as that party gained five Senate seats. This brought the margin to forty-nine Democrats and forty-seven Republicans.

Among Democrats, the most prominent fatality was Majority Leader Scott Lucas. Absorbed by his duties in Washington, he failed to invest the necessary time and energy in his own reelection campaign. Consequently, the voters of Illinois retired him in favor of former Pekin Representative Everett McKinley Dirksen. Certainly, Lucas was caught in a difficult position. As writers Rowland Evans and Robert Novak later observed: "The job of the Senate Majority Leader in that era was a misery without splendor. While Russell and Taft pulled the strings from the cloakroom, the 'leader' was out there on the floor trying to keep the Senate's creaky machinery in operation. While Truman hurled his legislative thunderbolts from the White House—and conveniently all but forgot them—Lucas was required to make a nominal effort to catch and pass them." [30] Lucas subsequently acknowledged that his two years as floor leader were the worst of his entire life.

There were other prominent Democratic casualties in the 1950 election. One was majority whip Francis Myers, who lost his seat to Pennsylvania's Republican Governor James Duff. Armed Services Committee Chairman Millard Tydings was beaten by John Marshall Butler, a protégé of Joseph R. McCarthy. On the Republican side, Representative Richard Nixon won a bitter Senate campaign against Democratic Representative Helen Gahagan Douglas.

At the start of the Eighty-second Congress in 1951, with Lucas and Myers gone, Richard Russell and other Senate party elders looked for replacements who would be willing to take on the headaches that were certain to come to floor leaders in dealing with an increasingly unpopular administration. For Majority Leader, they recruited Arizona's affable Ernest McFarland, who was facing a difficult race in 1952. To fill the post of majority whip, the Democratic high command, at the urging of Oklahoma Senator Robert Kerr, settled on a member who had been in this body for only two years—the junior senator from Texas, Lyndon B. Johnson, about whom I shall have more to say on another day.

The Senate of the Eighty-second Congress, preoccupied with the Korean Conflict, foreign policy, and the 1952 presidential elections, accomplished little in the domestic field. Robert Taft, seeking the Republican presidential nomination, worked hard to avoid unnecessary criticism as an obstructionist in domestic issues and took on an attitude of accommodation that led Democratic Senator Paul Douglas to label him "the uncrowned leader of the Senate." He joined with Hubert Humphrey to modify the Taft-Hartley Act's provisions regarding union shop elections. He supported legislation that provided a more favorable tax treatment for farm cooperatives, and he temporarily dropped his objections to deficit financing under the pressure of the wartime emergency. Taft also sought to protect himself from his own party's eastern wing that had denied him the nomination in 1948.

These latter efforts ultimately failed for Taft as his party, in Chicago in July 1952, gave the nomination to General Dwight Eisenhower by a first ballot vote of 595 to 500. Shortly thereafter, the Democrats nominated Adlai Stevenson to carry their presidential standard. After a long and difficult campaign, the Republicans captured the White House for the first time since the election of 1928. Winning more than 55 percent of the popular vote—the largest such margin since Franklin Roosevelt's 1936 victory—Eisenhower also brought in sufficient margins to return both the Senate and the House to Republican control.

After the convention, Taft tried to overcome his disappointment at losing what he recognized was his last chance to gain the White House. He advised General Eisenhower on prospective cabinet nominees, but the president-elect seemed to take his counsel from other sources. Taft was particularly disheartened that Eisenhower ignored his suggestion that Senator Harry Byrd, Sr., become secretary of the treasury. He believed that Byrd would have been able to construct a powerful alliance between Republicans and conservative Democrats in Congress. The Ohio senator's irritation with Eisenhower intensified when he learned that the president-elect had named an Ohio steel executive, George Humphrey, to that post without bothering to ask his opinion.[31]

The supreme insult to Taft, universally regarded as Mr. Republican, came when Eisenhower selected Martin Durkin, a plumber's union president, a Democrat, and an avowed foe of the Taft-Hartley Act as labor secretary. News of the appointment reached Taft while he was at lunch in the senators' dining room. Senator Prescott Bush, the father of our vice president, later recounted that Taft "nearly exploded." As the senior Republican on the Labor Committee and author of the Taft-Hartley legislation, Taft could not understand Eisenhower's decision. According to Senator Bush, Taft said: "This is incomprehensible! It is incredible that this appointment could have been made without consulting any of us." [32] The Republican leader told an associate that this "was the first repudiation by the General of the position he took in the campaign and in my conference with him. I don't know whether he realizes that, but if he doesn't he is very stupid indeed." [33] Meanwhile, Democrats joked that Eisenhower's rather conservative, business-oriented Cabinet included "eight millionaires and a plumber."

Before the Durkin appointment, Taft had seriously considered accepting the post of Majority Leader in the 1953 session. That incident caused him to hesitate. As he did so, Eisenhower supporters suggested that New Hampshire Senator Styles Bridges would make an excellent floor leader. Senator Bridges had served briefly as Minority Leader following the death of Kenneth Wherry in 1951. Bridges preferred, however, to take on the chairmanship of the Appropriations Committee as well as to become the Senate's president pro tempore. Speculation then centered on California's William Knowland. At that point, Taft made up his mind to become floor leader. With the president's endorsement, he was unanimously elected to that post at the start of the Eighty-third Congress.[34]

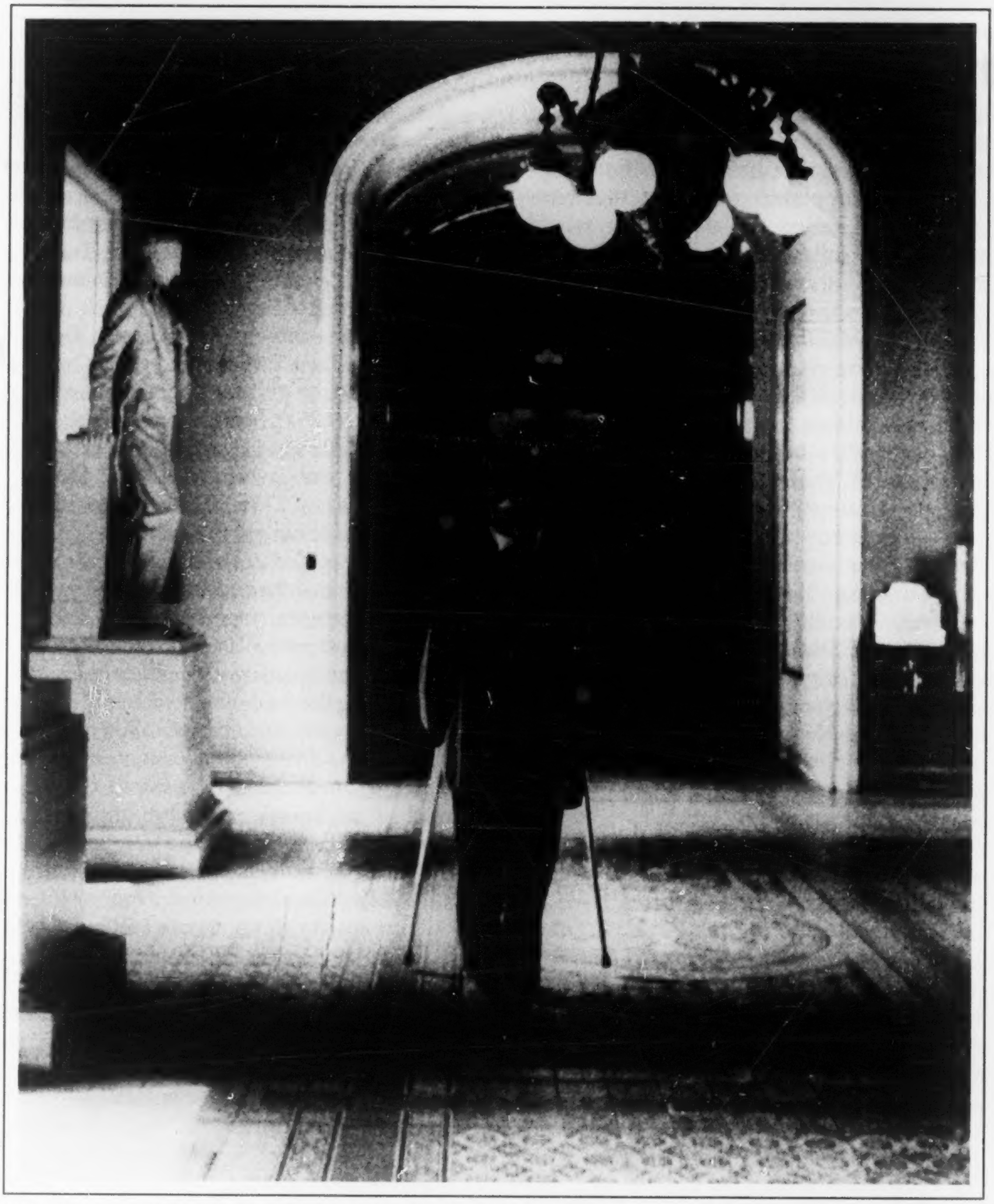
Clearly, Eisenhower's landslide victory in 1952 reflected his enormous personal popularity, but his popularity failed to transfer directly to that year's congressional races. In the House of Representatives, Republicans picked up only twenty-two seats giving them a bare three-vote majority. In the Senate, the margin of Republican control was equally slim with forty-eight Republicans, forty-seven Democrats, and one Independent—Oregon's Wayne Morse.

Disaffected with Eisenhower and his platform, Morse had resigned from the Republican party in September 1952, noting: "I didn't leave the Republican Party. The Republican Party left me." When Morse arrived in the Senate chamber on opening day in 1953, he carried a metal folding chair that he was prepared to place in the center aisle. Party leaders persuaded him to take a seat in the front row on the Republican side but proceeded to oust him from the Armed Services and Labor committees. After much dispute, Morse ended up on the District of Columbia and Public Works committees. Two years later, he joined the Democratic party.[35]

Among the sixteen members of the incoming Senate freshmen Class of 1952 were thirty-five-year-old former Representative John F. Kennedy; former Air Force Secretary Stuart Symington; Montana's Mike Mansfield; Washington's Henry Jackson; Tennessee's Albert Gore, Sr.; and our distinguished colleague from Arizona, Barry Goldwater, fresh from his victory over former Democratic Leader Ernest McFarland.

As the Eighty-third Congress got under way, Robert Taft settled into a smooth working relationship with President Eisenhower and the new Democratic Leader, Lyndon Johnson. Due, in part, to the closeness of the majority party's margin of control and, in part, to Taft's skillful leadership, the Republicans maintained an unusually high degree of party unity on key votes. Taft effectively restrained disruptive elements within his party and within the administration. Those who had observed him over the years noted a decided change in his demeanor. As one journalist wrote, he seemed "relaxed and genial. He moves about the floor wreathed in smiles, a friend of all men, almost a gladhander." For the first time in his Senate career, he was the official leader of this body's majority party with a president of his own party in the White House. A historian explained that Taft was "freed at last from his heritage. Trained to serve, he had entered public life. Raised to excel, he had aimed for the top. Now at the age of sixty-three, he knew he could do no more than he was doing; he had found his station in life, perhaps his place in history." [36]

Mr. President, at the very moment that Robert Taft seemed to be on top of the world, tragedy struck. Late in April, an ache in his hip spread to his thighs and then to



Majority Leader Taft walks to the Senate chamber from his Capitol office shortly before his death in 1953.

Marvin Koner

most of his joints. Increasingly, he had trouble walking and suffered a persistent fever. His physicians were initially unable to diagnose his illness. After weeks of tests, however, they discovered that he had cancer. With great courage and determination, Taft tried to maintain his taxing daily pace. He insisted on keeping the nature of his illness from the public. As the weeks passed, however, and as his physical appearance revealed the disease's ravages, he realized that his days were numbered. By-passing party whip Leverett Saltonstall, he asked William Knowland to take over the leadership for the remaining weeks of the session. Soon, the Senate and the country learned the distressing news and reacted with shock and dismay. After conducting an extended series of tests and exploratory surgery, his doctors discovered that cancer had spread throughout his body. By then, it was only a matter of time.

Inspector Leonard Ballard of the United States Capitol Police recently recalled Taft's final days:

> Senator Bob Taft—now he would walk down the corridor and he never spoke to you. He never spoke to another senator. He was always preoccupied. But when he got on crutches, you remember he got cancer, he would come down to the door and wait for his car—he would sit there at the desk—I'd be there. And he said to me, "It's a shame that I didn't get on these things a long time ago. I'm seeing so many nice people that I never recognized before." I liked Taft, his office was awful nice—a good staff.[37]

The end came for Taft on the morning of July 31, 1953. Two days later, his body lay in state in the Capitol Rotunda, just as his father's had twenty-three years earlier. He was then returned to his native Cincinnati and laid to rest in a gentle slope behind the Presbyterian Church. A small marker reads simply, "Robert A. Taft: United States Senator, 1889–1953."

Mr. President, I believe that Robert Taft's biographer, James Patterson, has written a most fitting epitaph to this illustrious senator. Noting that Senator Taft's triumphs far outnumbered his disappointments, Patterson observed:

> . . . he enjoyed power in the Senate matched by few men; and he ordinarily wielded it responsibly. Above all his stature depended on personal qualities: honesty, conscientiousness, courage, dignity, and intelligence. These attributes were counter-balanced by a partisan combativeness which made him as feared as he was respected, and by a refusal—usually—to depart from principles, leaving him vulnerable to the charge that he was stubborn and reactionary. But they also gave him the strength to rise above personal defeats and to maintain his commitment to serve. It was given to him as it is to few men: to embark on a career he had been trained to follow and to pursue it effectively until the day he died.[38]

CHAPTER 32

Lyndon Johnson's Senate 1948–1961

March 3, 1986

Mr. President, in his classic study *U.S. Senators and Their World,* political scientist Donald Matthews observed that the leadership styles of the Democratic and Republican parties in the Senate were quite different. "Democratic party leadership is highly personalized, informal, centralized in the hands of the floor leader," Matthews wrote. "Republican leadership is more formalized, institutionalized, and decentralized." [1] That statement, made in 1960, is still true today. It described with keen accuracy the years when Lyndon Baines Johnson was Senate Democratic Leader.

The saga of Lyndon Johnson and the United States Senate began on the most remarkable election day in modern political history. On November 2, 1948, to everyone's surprise, Harry S. Truman defeated Thomas E. Dewey for the presidency. That triumph was matched in Congress, where Democrats washed away the Republican majorities of the Eightieth Congress. The Class of 1948, elected that day, included men who would dominate national politics for most of the next generation. In addition to Lyndon Johnson, the list included Clinton Anderson of New Mexico, Paul Douglas of Illinois, Hubert Humphrey of Minnesota, Estes Kefauver of Tennessee, Robert Kerr of Oklahoma, and—the only member of the class currently serving in the Senate—Russell Long of Louisiana.

Lyndon Johnson was no newcomer to Washington. He had first arrived in the capital in 1931 as a staff aide to Texas Representative Richard Kleberg. Johnson immediately established himself as a mover and shaker, winning election as speaker of the "Little Congress," an association of House staff members. During the New Deal, Johnson returned to Texas to become state director of the National Youth Administration, where he drew attention as a hard-working and effective administrator. In 1937, at the age of twenty-eight, he won a special election to fill a vacant House seat. His election, as a staunch advocate of the New Deal, occurred in the midst of the monumental fight to "pack" the Supreme Court, which brought the young congressman to the attention of Franklin Roosevelt. Four years later when Johnson ran for a Senate seat in a special election, it was with Roosevelt's blessing and strong support.

Lyndon Johnson lost his first race for the Senate, after some suspicious ballot stuffing by his opponents. He remained in the House, with a brief stretch in the navy during the war, and grew under the tutelage of House Speaker Sam Rayburn. Johnson was among the select group of congressmen invited to join the Speaker's afternoon "board of education" meetings. He was there on that April afternoon in 1945 when Harry Truman received word from the White House that Franklin Roosevelt was dead. In 1948, Johnson made his second try for the Senate, this time winning his primary race by the slim margin of eighty-seven votes. He then coasted to an easy victory in the general election.[2]

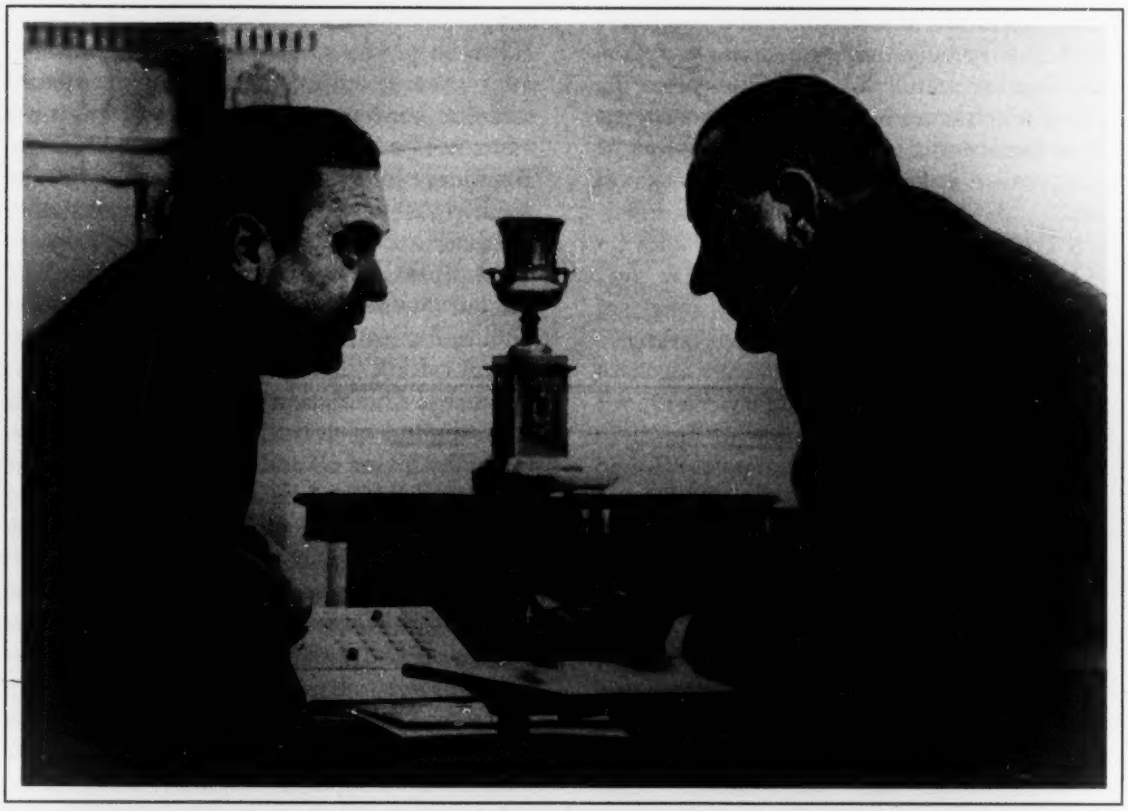
When Lyndon Johnson came from the House to the Senate, warnings preceded him as Darrell St. Claire, the former assistant secretary of the Senate, recalled. Those who knew Johnson warned, "Wait till he gets here." [3] Johnson's longtime aide, Walter Jenkins, noted that "Mr. Johnson took to the Senate as if he'd been born there. From the first day on it was obvious that it was *his* place—just the right size; he was at his best with small groups, and at that time he was one of only 96 senators, while in the House he had been one of 435, a group in which it was much more difficult to make his influence felt, to be effective. But with only 95 others—he *knew* he could manage that." [4]

Among the first people the newly elected Senator Johnson contacted was the Senate's chief telephone page, a twenty-year-old South Carolinian named Bobby Baker, who had a reputation for scouting out the strengths and weaknesses of every senator. Johnson called Baker over to his House office in the Cannon Building and questioned him bluntly. "I want to know who's the power over there, how you get things done, the best committees, the works." He wanted information on the senators with whom he was unfamiliar, keeping up the questioning for two hours. Bobby Baker was impressed by Johnson's determination to learn. "He was coming into the Senate with his neck bowed, running full tilt, impatient to reach some distant goal I then could not even imagine. . . . Politics simply consumed the man." [5]

Next, Johnson set out to cultivate the Senate's senior leaders in general, and Georgia Senator Richard Russell in particular. Although Scott Lucas of Illinois served as Democratic Leader in the Eighty-first Congress, Richard Russell was the undisputed leader of the Senate's "inner club." Chairman of the Senate Armed Services Committee and of the "southern caucus," Russell had political power and respect unmatched in the Senate. As Lyndon Johnson had hitched his wagon to Sam Rayburn's star in the House, he now associated himself with Dick Russell in the Senate. Russell, in return, acceded to Johnson's desire for a seat on the Armed Services Committee, an appointment normally beyond the grasp of freshmen senators.

In a recently recorded interview with Senator Russell Long, I was able to capture his perception as to how Lyndon Johnson operated. This is what Senator Long had to say of Lyndon Johnson:

> He was sworn in on the first day of the Eighty-first Congress, and he immediately went to work at ingratiating himself to Dick Russell, who was the leader of the southern group. He managed to have himself assigned to the Armed Services Committee, and, in short order, he was working as chairman of the Preparedness Subcommittee. This took some doing, but he sold Dick Russell the idea that there should be a subcommittee on preparedness. It was almost like turning the whole committee over to Lyndon, because what is Armed Services for if it is not for preparedness?



Lyndon Johnson ingratiated himself with the southern caucus, of which Russell Long was a member, to boost his senatorial clout.
U.S. Senate Historical Office

> He started getting out these reports by this Preparedness Subcommittee, and, incidentally, he had that subcommittee so structured that not only was he the chairman, but every member of the committee was an ex officio member if not directly a member of the Preparedness Subcommittee. He managed to get himself a small but efficient staff, and he started issuing reports critical of the way the defense establishment was run—criticizing the efficiency, the effectiveness, the readiness. Some of the style of it was clever and some of it amusing. The Pentagon did not find it funny at all, and they resented it, but it was effective.
>
> And he started bringing about some changes in the military. He became a very powerful member of the Armed Services Committee in short order.

Johnson did not follow Russell 100 percent of the time. When Russell called the first meeting of the southern caucus in the Eighty-first Congress, only two southern senators were absent: Estes Kefauver of Tennessee and Lyndon Johnson of Texas. Kefauver was known as a liberal, and his absence was expected, but where was Johnson?

We might say that Senator Johnson was suffering from a political identity crisis. Having arrived in Congress with much hoopla, as a New Deal liberal from a conservative state, and having publicly embraced Franklin Roosevelt, Johnson had moved to the right during his efforts to win a Senate seat. He explained his situation to Bobby Baker during their first meeting: "I know you count noses and maybe you lobby a little bit to help the Democratic program. Fine. But I gotta tell you, Mr. Baker, that my state is much more conservative than the national Democratic party. I got elected by just eighty-seven votes and I ran against a caveman. . . . I cannot always vote with President Truman if I'm going to *stay* a senator." [6]

Despite Harry Truman's spectacular election victory and the reestablishment of Democratic majorities in Congress, Truman's Fair Deal program had just as little chance of passage in the Democratic Eighty-first Congress as it did in the Republican Eightieth Congress. Real power in Congress continued to lie with a coalition of conservative Democrats and Republicans.

Within the Democratic majority were several groups. Southern Democrats, led by such men as Richard Russell and Walter George of Georgia and Kenneth McKellar of Tennessee, chaired the key committees and represented the inner club, which dominated the institution. Border-state and southwestern Democrats, such as Arizona's Carl Hayden and Ernest McFarland, allied themselves with the southerners. Western Democrats, whether conservative or liberal, had made their peace with the southerners by not supporting civil rights legislation, and, in return, received southern support on water projects and commodity supports dear to their region. Isolated from the rest were the northeastern liberal senators who had supported Hubert Humphrey's effort to place a civil rights plank in the party's 1948 platform. While espousing the programs of the New Deal and the Fair Deal, these liberal senators were, in the words of Senator Paul Douglas of Illinois, "at the bottom of the totem pole of prestige" in the Senate.[7]

For the most part, Lyndon Johnson avoided political labels and attempted to steer a middle course between the various factions in his party. He went out of his way to make friends with both Dick Russell and Hubert Humphrey. Johnson recognized the conservative nature of the Senate's power structure and the conservative demands of his own state, but he had national political ambitions. At first, Johnson's votes in the Senate seemed to locate him in the conservative camp. He began by supporting efforts to block liberal revision of the cloture rule, intended to make it harder to filibuster against civil rights legislation. Also, in 1949, Senator Johnson took the lead in opposing President Truman's nomination to the Federal Power Commission of Leland Olds—who was opposed by Texas oil and gas interests—a fight which led to Olds' defeat by a vote of 15 to 53. Although an impressive victory for a freshman senator, blocking Olds' nomination alienated Johnson from Senate liberals. As Senator Hubert Humphrey noted: "Our little group of twenty-five or so liberal senators was very suspicious of Johnson in those early years, very suspicious. I was maybe the one that looked on him with more friendship, more acceptance. I always felt that he was a lot more liberal than he ever acted." [8]

Hubert Humphrey had launched his own long and distinguished career in the Senate with a very bumpy start. On his arrival, he found that his support of the civil rights plank in 1948 had earned him the animosity of many of his colleagues, who overtly snubbed him. He chose his first battles poorly, once rising to demand the abolition of the Joint Committee on Reduction of Nonessential Federal Expenditures as a nonessential expenditure. This committee had not met in years but was chaired by Virginia's Senator Harry Byrd, Sr., a highly respected fiscal conservative, who happened to be absent from the Senate visiting his ailing mother at the time Humphrey launched his attack. Byrd's friends rushed to his defense, and Humphrey found himself even more isolated in the Senate.[9]

Lyndon Johnson did not join those who shunned Hubert Humphrey. Instead, he invited Humphrey to his office to advise the voluble Minnesotan how to get along better with his Senate colleagues, whom to make friends with, how to direct his energies most effectively, how to become accepted.[10] This was the beginning of their famous friendship that culminated with Johnson's selection of Humphrey as his vice-presidential running mate in 1964.

After only two years in the United States Senate, Lyndon Johnson suddenly and unexpectedly catapulted into his party's leadership. In the election of 1950, both the Senate Majority Leader, Scott Lucas, and majority whip, Francis Myers, went down to defeat. Political commentators took these defeats as a sign of public disappointment over the failure to enact Truman's Fair Deal program, worry over the Korean War, and confusion over Senator Joe McCarthy's anticommunist crusade. To fill this double vacancy, Arizona Senator Ernest McFarland became Democratic Leader and Lyndon Johnson became whip. McFarland never fully grasped the reins of leadership, and his two years in the job were a study in frustration. Johnson, on the other hand, used his new position to broaden his contacts and study how the Senate operated. "At that time the assistant leadership was little more than an honorary degree," *Newsweek* correspondent Sam Shaffer observed. "But to Lyndon it lifted him out of the rut of a freshman senator, and he would sit in the leadership councils until the majority leader was out in the hustings campaigning, making a speech, and then he would be in charge of the fort. He would be noticed. Other senators would be aware of him."[11]

Mr. President, since history these days is often collected in the form of oral history, that is, the tape-recorded personal reminiscences of participants in events, I recently asked Senators John Stennis and William Proxmire, in addition to Senator Long—three of the six members of the Ninety-ninth Congress, myself included, who served with Lyndon Johnson in this body—to record some of their memories of Johnson as a senator. Senator Stennis recalled:

> I remember what a terrific worker he was from the very beginning. He hadn't been here much more than a few months before he became an active candidate for assistant floor leader . . . of the Democratic party which had a majority of the Senate then. He called by telephone in Mississippi and wanted to know if I could and would support him for the position. Well, I told him . . . "Lyndon, you might have known that I wasn't just going to promise a whole lot out of the clear sky." And I said, "Senator Russell and I are very close and he's put me on committees; I would naturally consult with him before I would give a final answer to anyone." He said, "You must think that I am foolish." And he said that "I wouldn't have been calling you or anybody else about voting for this position unless I already had a firm position from Dick Russell that [I am] the man." So that's characteristic of him. He was thorough; he was thorough and he knew what he was doing. I have never seen anyone . . . have the vigor and the energy and time and everything that he used, working all the time and on worthwhile things.
>
> When Scott Lucas lost as Majority Leader at the end of two years, Dick Russell got behind Ernest McFarland as the Majority Leader and Lyndon Johnson indicated he would like to be the whip. So Dick Russell helped Lyndon Johnson become the whip, not that Lyndon Johnson wouldn't have had that good a chance just campaigning in his own right, but he knew that about 40 percent of those Democratic votes were southerners and those people rallied behind Dick Russell. He was the southern leader in those filibusters that took place and the southern senators had enormous confidence in Richard Russell. So when Dick Russell was supporting Lyndon, that pretty well assured that Lyndon would be elected majority whip, just as it pretty well assured that Ernest McFarland would have the votes to be elected Majority Leader.

Two years later, in the election of 1952, a political newcomer, Barry Goldwater of Arizona, defeated Senate Democratic Leader McFarland. At the same time, Republicans won narrow majorities in the Senate and House. On the Republican side, as I discussed in a previous address on the Senate's history, the party's longtime behind-the-scenes leader, Robert Taft, at last agreed to take the formal title of Majority Leader. On the Democratic side, many members hoped that Richard Russell would follow Taft's example. Lyndon Johnson called Russell immediately after the election and urged him to become the party leader with Johnson as his whip. "I'll do the work and you'll be the boss," Johnson promised. But Russell once again declined the leadership, and Johnson moved quickly to seize the post for himself. As a result of his speedy campaigning, in no time at all, Johnson had gathered a majority of the Democratic votes.[12]

One holdout was his friend Hubert Humphrey. A small band of liberal senators planned to nominate Montana's James Murray for Leader, and Humphrey felt obligated to support them. Johnson called Humphrey to his office and described how, as Leader, he planned to give liberal senators more of a voice on the Democratic Steering Committee and the Policy Committee, promising Humphrey a major role in rebuilding the Democratic party in the Senate. When Humphrey would not cooperate, Johnson warned that the liberals did not have the votes, that several prominent liberal senators were already committed to Johnson's candidacy, and that, if Humphrey's group persisted in nominating Murray, they would only embarrass him. "You ought to quit fooling around with people you can't depend on," Johnson advised. Humphrey held his ground, but Johnson's predictions came true. When the Democratic Conference met, Murray received only three votes. Humphrey then moved to make Johnson's election as Democratic Minority Leader unanimous. Despite their defection, liberals still gained by Johnson's ascendancy. He appointed Senator Murray to the Democratic Policy Committee and Humphrey to the Steering Committee. Humphrey also got a coveted seat on the Foreign Relations Committee. From then on, Hubert Humphrey learned to take Lyndon Johnson's advice more seriously and to work within the Senate system rather than outside it. As he told a reporter shortly afterwards, "I've stopped kicking the wall." [13]

At forty-five, only four years after entering the Senate, Lyndon B. Johnson sat at the front of the chamber in the Democratic Leader's seat when the Eighty-third Congress opened. He was Minority Leader by the barest of margins. The Democrats had forty-seven senators to the Republicans' forty-eight. Wayne Morse, having recently left the Republican party, was the Senate's lone Independent, but he had promised to vote with the Republicans to organize the Senate. In July 1953, when Senator Robert Taft died and a Democrat took his seat, the minority Democrats then outnumbered the majority Republicans, but committee chairmanships remained Republican. California's William F. Knowland became Republican Majority Leader, a post for which he possessed little skill or finesse. The blustery Knowland was a man of principle, to the point of bullheadedness. So often did he cross paths with his president's program, that Dwight Eisenhower soon found he could work more comfortably with the Senate's Democratic Leader than with the Republican Knowland.[14]

William Knowland had all the burdens of majority leadership without having the votes. Once, in February 1954, Knowland lamented: "Mr. President, I have presented the case . . . from a position in which no man has heretofore been asked to serve, a position in which I have the responsibilities of being majority leader in this body without having a majority. . . . I say we cannot have an effective legislative program if the responsibility is here but the power is exercised on the other side of the aisle." To which Lyndon

Johnson replied: "Mr. President, the Senator from California frequently refers to himself as a majority leader with a minority; and he has made reference to all the problems that go with that situation. If anyone has more problems than a majority leader with a minority, it is a minority leader with a majority." [15]

Unlike William Knowland, Lyndon Johnson proved especially adept at Senate leadership. Boldly and imaginatively, he shook the Senate's seniority system by giving each freshman Democrat a seat on one major committee, rather than allowing the party's young talent to wither for years on minor committee assignments. As he promised, Johnson revitalized the Democratic Policy Committee, bringing in such talented staff members as Gerald Siegel, George Reedy, and Harry McPherson.

Mr. President, I came over from the House of Representatives in the 1958 class. Both Jennings Randolph and I ran in the 1958 election. Randolph ran for the unexpired Senate seat, which had been left vacant by the late Matthew M. Neely. I ran for the full term against incumbent Senator Chapman Revercomb, who had served a previous Senate term in the 1940's.

I came here in that big Class of 1958. My colleague, Senator Randolph, and I went to see Lyndon Johnson in the Leader's offices, just off the floor. Randolph—who had served in the House for fourteen years and who, after a period of twelve years as vice president of Capital Airlines, had reentered politics—had won a Senate seat. Senator Randolph had seniority over me by virtue of the fact that he had served fourteen years in the House and I had served only six, and also by the fact that he was sworn into office the very next day following the general election in November 1958. I became a senator two months later, on January 3, 1959. Senator Randolph requested the Committee on Public Works as an assignment, and I requested the Appropriations Committee. I had been on the Foreign Affairs Committee in the House of Representatives before coming to the Senate.

Majority Leader Lyndon Johnson counseled freshman Senator Robert Byrd on his political career.
U.S. Senate Historical Office

I was told by many that it was unlikely that I would get a seat on the Appropriations Committee as a newcomer here. I went to see Senator Russell to get his support. I went to see Carl Hayden, who was the chairman of the Appropriations Committee in the Senate, and I also went with Senator Randolph, as I say, to see the Democratic Leader, Lyndon Johnson.

I was somewhat pleasantly surprised a few days later when, as I sat in the back row, Johnson came up to me and told me that he was putting me on the Appropriations Committee. He told me that one or two very senior Democratic senators' names had been on the list for quite some time. And it was resented by at least one of those senators, whose name I shall not mention today. But Lyndon said: "I faced him down. Don't you worry. You will be on the Appropriations Committee."

Again, quoting from the oral interview with Senator Long speaking about Lyndon Johnson:

> He was a tremendous salesman. He had a way of putting his attention, and his warm smile, and his persuasive ways on the person that he chose to persuade, and he could be the most effective person I have ever seen in that respect, in selling his point of view and selling himself. Sometimes, perhaps, he got so enthused in what he was selling that he oversold himself on what he was trying to do. He had a way of getting his troops together and bringing all the points of power together to support what he wanted to do. As a Leader, as much as I have ever seen any other Leader do it—certainly any Democratic Leader—he would call upon those committee chairmen to help him get his job done, and then he would go very much out of his way to accommodate them. In other words, to the extent that they really wanted something very much, he would just do whatever it took to help them to be effective committee chairmen.

Perhaps the most telling example of Johnson's style as Minority Leader was his response to Senator Joe McCarthy's rampage. Many of those both inside and outside the Senate who opposed McCarthy's bullying, smearing, guilt-by-association tactics, hoped that Johnson would take the lead in opposing the Wisconsin Republican. But Johnson held back, calling it "a Republican problem." He feared that any Democratic intervention would only turn McCarthyism into a partisan issue, and he knew how ruthless an enemy McCarthy could be. "Joe will go that extra mile to destroy you," Johnson once observed. Rather than challenge McCarthy directly, Johnson worked behind the scenes for the appointment of a special committee to investigate his behavior. It was a blue-ribbon panel of solid, respected, conservative senators, chaired by Republican Arthur Watkins of Utah and including Democrats John Stennis, Sam Ervin, and Walter George. The Watkins committee eventually presented the Senate with the charges on which Senator McCarthy was censured.[16]

When the Eighty-fourth Congress opened in January 1955, Lyndon Johnson, having just been reelected to his second term, stepped to the front desk as Majority Leader. He proceeded cautiously at first, with a slim 49 to 47 margin, and with a popular Republican president in the White House, but, before long, it became eminently clear that Lyndon Johnson was the master of the Senate and that he would run the show like no other Majority Leader had before him.

Lyndon Johnson practiced the art of consensus building, persuading other members, coaxing them, cajoling them, sometimes threatening them, listening to them, discovering their weaknesses, respecting their strengths, overpowering them with his seemingly limitless energy. Richard Riedel, who had worked in the Senate Press Gallery since the days when Henry Cabot Lodge, Sr., was Majority Leader, watched Johnson's performance with awe:

> Lyndon Johnson overwhelmed with a style of forceful persuasion unique to him. Dashing from one to another, the tall Texan would sit down beside a Senator, shift to the edge of the chair, lean forward and twist his neck around in order to look up into the face of his now-captive audience. What could be more fascinating to a Senator than a convincing argument coming from beneath his own chin? A Senator was compelled to listen to Lyndon Johnson's earnest pleas which inevitably carried their own weight. Completely absorbed in his own insistent reasoning, Johnson would lock onto the coat lapels of his victim with both hands; and eye to eye, he would hypnotize the Senator into a state ranging from enthusiastic cooperation to suspended animation, or possibly, to complete paralysis.[17]

Nor was Johnson at all hesitant to use his knowledge of the Senate's rules and procedures. Hubert Humphrey remembered how on a slow afternoon during Johnson's first session as Majority Leader in 1955, he had commented, "I think we'll pass that minimum wage bill now." He put in a short quorum call and then called up the bill and passed it by voice vote. Florida's Senator Spessard Holland, who was leading the opposition to the bill, stormed onto the Senate floor and demanded to know what was going on. "Well, Spessard, I had a little quorum call," Johnson replied. "If you fellows aren't on the job around here, I've got legislation to pass." On the other hand, our colleague John Stennis has recalled that from all his experiences with Lyndon Johnson, "he never did tell me anything false about [a] bill or what was in it. Or what he would or wouldn't do."[18]

Senator Stennis told me how he once tried to get the floor one morning with remarks he felt he could not postpone. Johnson also wanted the floor. "I was trying to get the floor and he wouldn't help me," Senator Stennis recalled.

> Word came from him that he would yield to me if I would finish in twenty minutes, or some time like that, and I said no that I want . . . the floor unconditionally. Anyway, he sent me word later that, all right, I would be the next speaker. . . . I didn't speak but ten minutes; I just wanted to show him that I didn't have to buy the floor, that a senator is entitled to the floor if he is willing to wait for a reasonable time. But, he wasn't trying to smother me out; he was just anxious to get his own words in. He was a terrific worker all the way down the line.

By the end of that first session, the national press was touting the Democratic Majority Leader as "The Texan Who Is Jolting Washington," and as a potential presidential candidate. But the months of long hours, missed meals, chain-smoking, and tension took their toll on Lyndon Johnson, who, on July 2, 1955, suffered his first heart attack. In an ironic way, that illness helped to prolong his life. On doctor's orders, Johnson lost weight, stopped smoking, and began eating regular meals. He also took regular vacations to his ranch in Texas, a ritual which came to affect the Senate's schedule. During Johnson's absences, Democratic whips Earle Clements and, later, Mike Mansfield would nominally serve as floor leader, but the majority secretary, Bobby Baker, saw to it that no substantive business was conducted in Johnson's absence. There would be long, languid periods of legislative inaction, to be followed by a burst of activity when Johnson arrived back in town to take command.[19]

When the second session of the Eighty-fourth Congress opened in 1956, Lyndon Johnson had recuperated sufficiently to return to the leadership. His grasp of the way the Senate could and did operate increased steadily, and there was no doubt as to who was in command. Dr. Floyd Riddick, our parliamentarian emeritus, has recalled how Johnson during this period reoriented the work of the Senate by the use of unanimous consent agreements. Previously, unanimous consent had been used at the end of sessions to reach agreements as to how long members would debate various bills. That is, senators would agree to vote on a certain bill on a specified day at a set time. "What Mr. Johnson did was introduce the use of what we call unanimous consent agreements," observed Dr. Riddick, "a detailed agreement as to how you were going to consider or the procedure that you were going to use for the consideration of a specific bill; how long each amendment would be debated; how long the general debate of the bill would last; whether all amendments were to be germane to the bill; and details of that nature. . . . It was almost to the point that hardly any major bill was considered without eventually reaching a general unanimous consent agreement to the final disposition of the bill." What this procedure did was remove much of the deliberation over a bill from public display on the floor to the cloakrooms, where LBJ, the consensus-seeker, could work his charm.[20]

The ostentatious and powerful Texas Democrat attempted to achieve consensus between members of both parties. Johnson appears here with Republican Thruston Morton in the Senate Reception Room.
U.S. Senate Historical Office

Before the 1950's, quorum calls were used, as their title implies, to establish a quorum. LBJ, however, I am told, began the practice of calling frequent quorum calls simply to take up time in between other business in the schedule. As Evans and Novak noted: "These abortive quorum calls held the Senate in suspended animation while Johnson worked out his deals in the cloakroom. Soon nobody answered the quorum calls." While Majority Leader, Lyndon Johnson also made effective use of night sessions, shaking the Senate out of its leisurely routines and keeping the senators working late into the night until they exhaustedly gave in to his unanimous consent agreements.[21]

Mr. LONG. Mr. President, will the senator yield at that point?

Mr. BYRD. Yes; I am happy to yield to my good friend, Senator Russell Long, whom I quoted just a few minutes ago.

Mr. LONG. I thank the senator. Mr. President, I believe it is fair to state that using quorum calls to hold the Senate in suspense while senators worked out their arrangements did not start with Lyndon Johnson. He may have done a lot more of it than others did, but my recollection is that that was a procedure that was used back as far as my father's day and maybe long before that. In other words, a quorum call was always a convenient way simply to hold things where they were while senators either met in the cloakroom or whispered in one another's ears on the floor or in the lobby behind the Senate chamber to decide what they were going to do next.

It may be that Lyndon Johnson did a lot more of it, and I would not be surprised if that were the case, but I really feel that that is a practice that the Senate had used long before Lyndon Johnson became Majority Leader.

Mr. BYRD. Mr. President, I thank the distinguished senator, whose long and effective participation in, and recollection of, the history of the Senate is very valuable. I have been glad to turn to him for his recollections.

Mr. LONG. Mr. President, let me congratulate the senator from West Virginia, the Minority Leader and my dear friend, for the chore he assigned himself in covering the history of the U.S. Senate. I have no doubt that in years to come, his will be the most authoritative text anyone will be able to find to say what did happen and what did not happen in the Senate, both while the senator from West Virginia was a member and in the years prior thereto. I have enjoyed reading his speeches on the subject and I have been honored on the occasions he has sought my advice about some aspect of it, including some of the things he discussed in connection with the life of Lyndon Johnson and his service as a leader.

I was a great admirer of Lyndon B. Johnson, as the senator so well knows. He was a human being like the rest of us. He was not perfect but he had a way of getting things done. In this senator's mind, he did what he thought was best for the country and he paid a high price for it.

Mr. BYRD. Yes, Mr. President, I am sure he did pay that high price. It was a very interesting period in American politics. My good friend, Senator Long, has spent more time in service here than I have, by virtue of his having preceded my coming here by several years; he also spent a longer time than I in working with Lyndon Johnson and in being able to observe how Lyndon Johnson operated. It is my opinion that Lyndon would not be able to operate that way today. If he were Majority Leader today, he would not be able to do what he was then able to do.

When I first came to the Senate—I believe the distinguished senator from Louisiana will agree with me—each of the old Confederate states had two Democratic senators. As I have said earlier, Senator Russell was the uncrowned king of the southern bloc. Lyndon had a very important thing going in his favor in that Sam Rayburn, Lyndon's good friend and mentor from Texas, was the Speaker of the House. Lyndon also had a tremendous advantage at that particular time in having Senator Russell and that southern bloc of very distinguished and powerful senators from which to draw support in the Senate.

At the present time, if we may just recall those states, Florida has one Republican senator, Georgia has one Republican senator, Alabama has one Republican senator, South Carolina has one Republican senator, North Carolina has two Republican senators, Virginia has two Republican senators, Texas has one Republican senator, Mississippi has one Republican senator. When I came here and when Lyndon Johnson was Majority Leader, none of the eleven former Confederate states had Republican senators.

Today, Louisiana, Arkansas, and Tennessee are the only three states of the old Confederacy that still have two Democratic senators. That, indeed, makes a difference, a tremendous difference in this body. That is one of the reasons why I say that Lyndon Johnson could not today be the type of leader that he was in his time.

Additionally, it can rightly be said that the southern bloc senators of today, as a whole, are younger than were the southern senators in Johnson's day. What does that say? Well, southern senators in that day had been here a long time and had great seniority and, therefore, had an extensive institutional memory. I think of Dick Russell in particular. He had never been married. He was married to the Senate. His whole life was dedicated to the service of this nation and to the Senate as an institution. If the distinguished senator from Louisiana wishes to comment on this, I welcome his doing so.

Mr. LONG. I thank the senator for his perspective. The senator is most thoughtful in his analysis. I will read the part of the senator's speech that I have not had the opportunity to hear up to this point and will be glad to give him some further thoughts on the subject, because I am sure that virtually everything he says in this speech today strikes a chord in my recollection.

The senator knows so well that there was a time when he and I were part of the Democratic leadership and we would go up to the White House when Lyndon Johnson was president. Both of us, the senator from West

Virginia as well as the senator from Louisiana, had a way of being very frank and very forthright with the president and now and then saying some things that were not calculated to be popular at all with the president, but we did give him the benefit of our views. I think he was better off for it because so often the man in the White House is handicapped by the fact that a lot of people just will not tell him news that is less than all good, particularly when there are some things out there that are not going too well; a lot of people just will not tell him.

The senator from West Virginia was one who was very frank and forthright about matters of that sort. I like to think the senator from Louisiana also was that way. If something was not the way it ought to be, we would tell the president that. Now and then it would be unpopular, too, because that was not what he was hearing from his presidential aides.

I enjoyed working with the senator from West Virginia as well as Lyndon Johnson during his days as Majority Leader, vice president, and president of the United States. He was a great president. Of all the presidents I served with, I think I would put Lyndon Johnson at the top of the heap because he did so much. In many respects, he will not be fully appreciated until later in this nation's history. But more than any other person, he passed legislation to meet problems. While some of it will need to be changed because it did not meet the test of time, a lot of it did meet the test of time. It was my privilege, for example, to manage the Medicare bill when it went through the Senate, and that is one of those many things he did that has met the test of time. Clearly this nation would be in bad shape, indeed, if we had waited until now to do something for the elderly as they reach their later years without someone having provided for health care for those dear people.

While his war on poverty may be criticized by some who say that he fought a war on poverty and poverty won, he was right and they were wrong. This nation is a great nation because together we are strong, and Lyndon Johnson realized that together we could meet any challenge; we were adequate to face any problem if we were wise enough. He was one of those who felt that no one need be hungry, no one need suffer, no one need go without educational guidance because of any failure of this nation; that the nation had the potential to provide the very best—that is, the best in the way of opportunities—that any nation had ever provided; that if we had the wisdom and leadership, we could provide an opportunity for everyone to live a meaningful life, to provide well for himself and for his loved ones as well as his nation.

So I am pleased the senator is making this speech about Lyndon Johnson and await with great interest my opportunity to read this speech in its entirety tomorrow in the *Congressional Record.*

Mr. BYRD. Mr. President, I thank the distinguished senator from Louisiana, who is second in seniority only to Senator Stennis in this body today. I shall never cease to admire Senator Russell Long. We are going to miss him when he retires from the Senate.

When the Eighty-fifth Congress convened in 1957, Johnson faced a thorny problem. The Eisenhower administration was pressing its civil rights program. In 1956, the House had passed the administration bill, but the measure had died in the Senate Judiciary Committee, chaired by James O. Eastland of Mississippi. Johnson had a mixed record on civil rights. In the House, he had voted as a conservative Texas representative against civil rights legislation. In the Senate, especially as Majority Leader, he had tried to take a national rather than a state position on the issue. As Senator Long has said, in speaking of Johnson:

> He began to separate himself from the southerners on the issue of civil rights. I believe that he thought that there was no future in that, and that eventually the civil rights bills would have to pass, and the more the South could be persuaded to accommodate itself to it, the better it was going to be. I think, to be fair about it, he also felt that it was not going to be to his long-term best interests to be involved on the southern side of the southern filibuster, and you could almost see how he, bit by bit, separated himself from southern filibusters that were being waged at that time against the efforts to move the civil rights legislation.

Johnson was one of only three southern senators who did not sign the so-called Southern Manifesto in 1956, in which southern members of the House and Senate denounced the Supreme Court's ruling in *Brown* v. *Board of Education* and declared their support for racial segregation. Johnson was the pivotal man in the civil rights struggle. If he had joined with other southerners or had even chosen to remain neutral to protect his popularity in his home state, the coalition of Eisenhower Republicans and liberal Democrats who supported the civil rights legislation would have lacked both the numbers and the expertise to break the filibusters on the floor.

Officially, Republican Leader William Knowland served as floor manager of the civil rights bill, but, in reality, Lyndon Johnson was its chief strategist—so much so that he made it more his bill than Eisenhower's. Supporters of the bill won their first victory in a 45 to 39 vote against referring the civil rights bill to the hostile Judiciary Committee. Even this victory, however, left the bill subject to possible filibuster on the Senate floor. Recognizing that he led a sharply divided party, with liberal Democrats from the North and West supporting the civil rights bill and southern Democrats lined up against it, Senator Johnson did all in his power to avoid a southern filibuster. In addition to creating a Civil Rights Commission, the Eisenhower administration's bill had proposed broad powers for the attorney general to file civil suits for court injunctions against any deprivation of civil rights. Behind the scenes, Johnson worked to limit the attorney general's power by requiring jury trials for civil rights cases. This provision mollified southern leaders, most notably Richard Russell. With the exception of a twenty-four-hour-and-eighteen-minute speech by Senator Strom Thurmond, the civil rights bill of 1957 went through the Senate without protracted debate.

Once Johnson had gained assurance that southern Democrats would not filibuster against the bill, he moved his own role from behind the scenes to the front lines of the public debate. Journalists in the press gallery observed:

> More assured, sensing ultimate victory, Johnson was on his feet now, stalking the Senate floor, correcting extreme statements from both sides, skillfully cooling tempers and disarming angry antagonists. . . . In his coat pocket were smudged copies of the Senate roll call, filled in with checks and x's and dotted with notes and reminders, that he constantly pulled out to show this or that Senator. These were his head counts, and the tallies changed day-by-day as he gathered in his majorities on the two key amendments.[22]

The victory of the Civil Rights Act of 1957, by a vote of 72 to 18 on August 7, was largely attributed to Lyndon B. Johnson. *New York Times* correspondent William S. White commented, "It was actually the most skillful single legislative job of leadership I ever saw, because Johnson of course had to deal with his southern friends who had up to that point formed the basis really of his constituency in the Senate." Johnson, as he himself pointed out, was the first Texas senator in nearly a century to vote for a civil rights bill. As Johnson told the Senate: "Political ambition which feeds off hatred of the North or

Officially, Republican Leader William Knowland served as floor manager of the 1957 civil rights bill, but Lyndon Johnson was its chief strategist.
Mark Kaufman/Life

hatred of the South is doomed to frustration. There is a compelling need for a solution that will enable all Americans to live in dignity and unity. This bill is the greatest step toward that objective that has ever been made." Of course, the 1957 civil rights bill was just the first step, to be followed by much stronger and more effective civil rights legislation in 1964 and 1965. But the 1957 bill led the way. That bill also completed Lyndon Johnson's transformation from a regional to a national political figure and made him a leading contender for the presidential nomination in 1960.[23]

While Johnson went to great lengths to avoid filibusters, once they had begun, the journalist Warren Weaver noted that "he tended to regard filibusters as a personal challenge to his stewardship. Instead of making an end run around the combatants with the rest of the Senate business, he often preferred to break the filibuster by keeping the Senate in session for long hours, even around the clock, and forcing the minority ultimately to give up in exhaustion." [24] This was part of what Rowland Evans and Robert Novak, in their penetrating study of Johnson's years as Majority Leader, termed the

"Johnson Procedure." It consisted of night sessions, unanimous consent agreements, and constant head counting, to keep the Senate dancing to Johnson's tune. Evans and Novak also paid tribute to the "Johnson System" of rewarding his friends and elevating them to positions of leadership, building a support staff, and generally making himself the center of all legislative activities. But, for all his procedural and structural activities, the "dominant ingredient" in his success as Majority Leader, they suggested, was his own personality, or what they termed the "Johnson Treatment."

> The Treatment could last ten minutes or four hours. It came, enveloping its target, at the LBJ Ranch swimming pool, in one of LBJ's offices, in the Senate cloakroom, on the floor of the Senate itself—wherever Johnson might find a fellow Senator within his reach. Its tone could be supplication, accusation, cajolery, exuberance, scorn, tears, complaint, the hint of threat. It was all of these together. It ran the gamut of human emotions. Its velocity was breathtaking, and it was all in one direction. Interjections from the target were rare. Johnson anticipated them before they could be spoken. He moved in close, his face a scant millimeter from his target, his eyes widening and narrowing, his eyebrows rising and falling. From his pockets poured clippings, memos, statistics. Mimicry, humor, and the genius of analogy made The Treatment an almost hypnotic experience and rendered the target stunned and helpless.

One senator from that period recalled of Johnson: "He would have his arm around you, and he would say, 'Beloved, can you help me?' You got the feeling you would like to help him."[25]

It sometimes seemed as if Lyndon Johnson disliked the direct approach to anything. He preferred cloakroom maneuvering, backroom strategies, and the Johnson Treatment. For the most part, his unique style succeeded admirably. Sometimes, however, Johnson overdid it. There was his effort, for example, to convince Theodore Francis Green to step down voluntarily as a committee chairman. Senator Green had nominated Johnson for Democratic Leader in 1953 and generally supported him on the floor. Green was an intelligent, hard-working, and well-liked gentleman, but he was ninety years old when he reached the chairmanship of the important Foreign Relations Committee. He was simply too old to function effectively, as he soon demonstrated. Johnson would have preferred to see the considerably younger Senator J. William Fulbright as chairman but had no authority to remove Green. Then, in January 1959, the *Providence Journal,* in Green's home state of Rhode Island, published an editorial demanding that Green retire as chairman because of his age. Johnson rushed to Green's side to express his outrage over the editorial. A man of Green's distinguished stature and record should not be subjected to such abuse, he insisted. Green deserved some respite. So the argument went until Senator Green came to the same conclusion: that he did not deserve such abuse and that he would step down as chairman.

Johnson then called a special, closed-door meeting of the Foreign Relations Committee to announce Green's decision. To demonstrate that Green was not being forced out of office, Johnson, who was not even a member of that panel, arranged for the committee to eulogize Green's service as chairman and to vote to ask him to continue in that post. Senator Green, who was hard of hearing, genially thanked them for their expressions of support, but added that he would not reverse his decision. Johnson, unfortunately, did not know when to stop. "The members of the committee said what I said, only more eloquent than I. . . . They voted unanimously to ask you to continue." The official transcript then records this unexpected exchange between the two men:

> The CHAIRMAN [Senator Green]. Who did?
> Senator JOHNSON. This committee.

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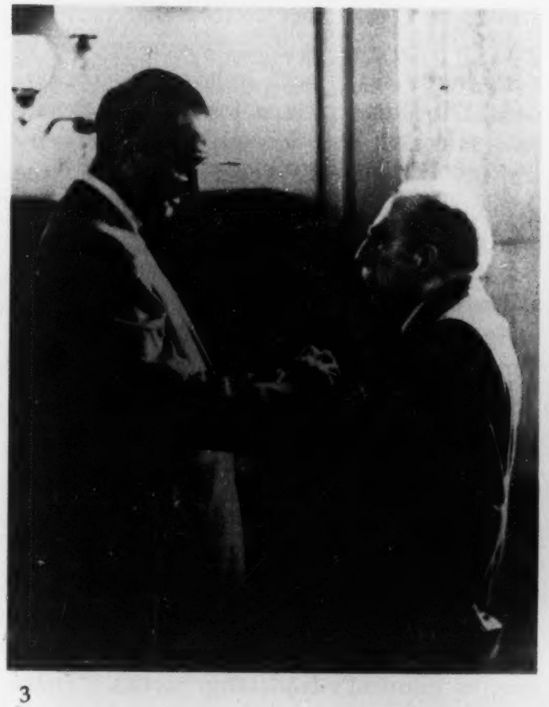

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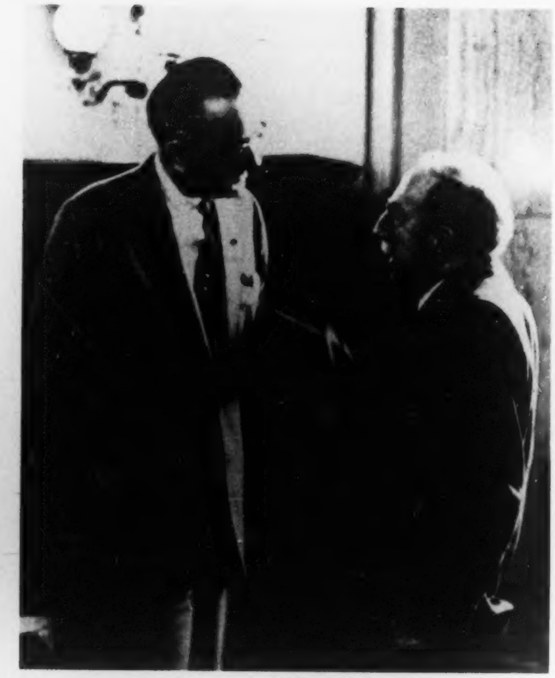

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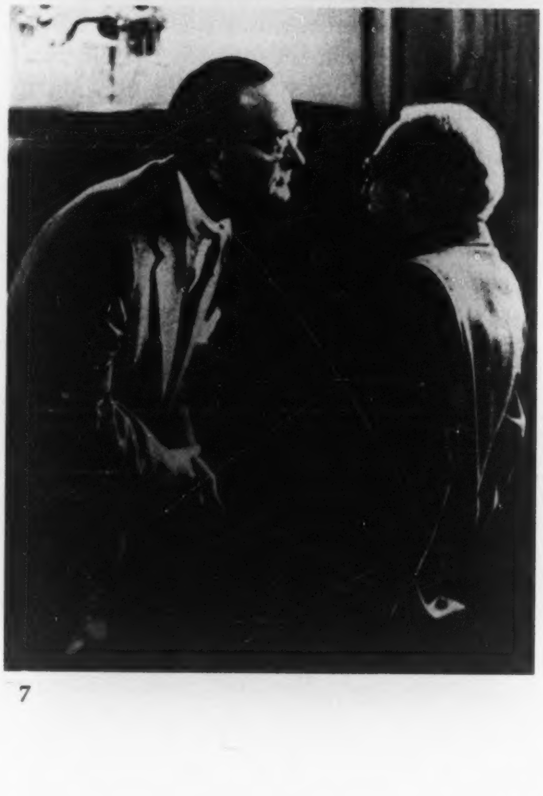

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The force of Lyndon Johnson's personality frequently overwhelmed opponents and greatly contributed to his success as Majority Leader. In this remarkable series of photographs, he applies the celebrated "Johnson Treatment" to Rhode Island Senator Theodore Francis Green, chairman of the Foreign Relations Committee. *George Tames/New York Times*

> The CHAIRMAN. I didn't know that they had.
>
> Senator JOHNSON. Just a few minutes ago. They now ask unanimously for you to reconsider.
>
> The CHAIRMAN. Is that what you were doing?
>
> Senator JOHNSON. You remember what I told you.
>
> The CHAIRMAN. I certainly would not be brash enough to turn it down if it were put to the meeting here. I appreciate it highly, and I know I ought to give it serious consideration. It didn't occur to me that it would be this way. . . .[26]

Johnson now realized that his elaborate orchestration was coming undone. He called a recess of the committee to allow the chairman to retire to an adjoining room to think over the situation. "Go with him," Johnson whispered to the committee's chief of staff, Carl Marcy. "Don't let him change his mind!" Fortunately for Johnson, the staff was successful in persuading Green to hold firm to his original decision. The Majority Leader must have breathed a sigh of relief when Green returned to the room to assure them that he was, indeed, stepping down. The incident, however, remained a favorite story on Capitol Hill of the way the Johnson Treatment could sometimes backfire.[27]

Mr. President, there were two distinct periods of Lyndon Johnson's majority leadership. From 1955 through 1958, the Democrats controlled the Senate by a slim one- or two-vote margin. There are many observers of the legislative process who contend that the closer the margin, the easier it is for a Majority Leader to keep his ranks in line. Lyndon Johnson certainly subscribed to that theory; but the election of 1958 caused a dramatic change in party fortunes. In circumstances not unlike those facing the Senate in 1986, twenty Republican seats and twelve Democratic seats were at stake in that contest. It was a midterm election during the second administration of a Republican president. A faltering economy, concern over Soviet successes in space, and a scandal involving White House staff all contributed to a massive Democratic victory that November. Twenty-four Democrats won election to the Senate, along with only eight Republicans. The Democratic majority in the Senate was 64 to 34. This was the largest majority for any party since World War II and the greatest transfer of seats from one party to another in the entire history of the Senate.

The first sign of discontent came immediately after the election when Pennsylvania Senator Joseph Clark protested to Johnson that northeastern senators lacked—and wanted—"proportionate representation" on the Democratic party committees in the Senate. Johnson rejected Clark's call for a restructuring of the Steering and Policy committees, which he chaired. But, the northern liberal revolt bubbled up again in February 1959, when Wisconsin Senator William Proxmire rose on the Senate floor in opposition to Johnson's leadership tactics. "There has never been a time when power has been so sharply concentrated as it is today in the Senate," said Senator Proxmire. "The typical Democratic senator has literally nothing to do with determining the legislative program and policies of the party. Without frequent caucuses, the individual senator cannot exercise his responsibilities to hold the leadership accountable. . . . The majority in the Senate is generally responsible to a majority of the nation. But the majority leader, under present conditions is not." While a majority of Senate Democrats rose to the Majority Leader's defense in response to this speech, Proxmire, Clark, Paul Douglas of Illinois, and other Senate liberals had sounded a warning that Johnson's freewheeling style of leadership would not go unchallenged.[28]

I asked Senator Proxmire about his first clash with Lyndon Johnson. "I had been here long enough to see how thoroughly Senator Johnson as Majority Leader dominated the Senate," he told me.

> There were no caucuses, no opportunity for the leadership to get a consensus so that the party could move together; and I thought that was wrong. So, I rose on the floor of the Senate and I said so. . . . After I gave that speech, the Majority Leader obviously was unhappy with what I said. He told me so. He didn't mince any words. On the other hand, there was no attempt on his part to wreak any vengeance on me or to discipline or punish me in any way. He accepted the fact that we disagreed and, as a matter of fact, he was very helpful in some agricultural measures that affected Wisconsin. . . . I didn't publicly protest out of any disrespect for Lyndon Johnson, who was an extraordinarily able, very intelligent person with a whale of a lot of personal force, and, of course, he accomplished a great deal. He got a great deal done as Majority Leader. But, I objected to that kind of dominating conduct. Incidentally, I delivered that attack on the Majority Leader on Washington's birthday, right after another senator had delivered Washington's Farewell Address. One reporter in the press gallery commented, "There were two farewell addresses delivered in the Senate today—Washington's and Proxmire's."

Senator Proxmire continued:

> I think that the essence of Johnson's power was brought out by Dick Neuberger when he and I clashed on the floor after my statement. Neuberger said: "After all, look what you're doing. You are biting the hands that feed you. Everything that you've got in the Senate was given to you by Lyndon Johnson. He put you on the Agriculture Committee that you wanted to be on, he put you on the other committees, the Banking Committee that you wanted. After all, don't you have any gratitude for what the Majority Leader has done for you?" Well, Senator Neuberger made my point. Senator Johnson sure did make the committee appointments, he did indeed decide what legislation would come up and what would not, and everybody in the Senate knew that if you wanted to get things done you had to do it through the Leader or he could stop you. I think that was the crux of his power.

"There were a lot of strong, independent-minded people in the Senate," Senator Proxmire recalled.

> Wayne Morse—I don't think that there was anybody any more independent or tougher-minded than Wayne was and, of course, he disagreed with the Majority Leader often. Paul Douglas was another giant in the Senate, in my view, who disagreed with Lyndon, but knew perfectly well that there was no point in his taking him on. Albert Gore was another. It is interesting that after I made my speech criticizing Lyndon, Lyndon's critics didn't call me in my office because they figured that somehow Lyndon would hear about it. They called me at home and they said: "Now keep my name under your hat. But you're right. Keep it up, give it to him." But there was nothing open about that because frankly, they were afraid of him. They feared his power.

I asked Senator Proxmire if there were some other uncrowned kings in the Senate on whose support Johnson really had to count. He agreed that there was not just one powerful senator, but several, and that Johnson had to be careful how he handled those strong personalities who had built up influence and power over the years, men such as Dick Russell and Bob Kerr. He said:

> I remember Douglas used to call Bob Kerr the uncrowned king of the Senate. But obviously the king of the Senate was Lyndon Johnson. . . . I think that it was true that he had to do that, and there probably aren't the same kind of power senators now, partly through the work of Senator Byrd and Mike Mansfield, both of whom have made every senator feel that he was equal to every other senator, and that every senator should feel free to speak up and should state his position, and should be given the fullest possible opportunity. The Senate is run far, far better now than it was when I first came here. . . . I think that the Mansfield-Byrd leadership has been far better not only for the typical senator but for the way the Senate has conducted its business in reaching a consensus.

At the same time that Johnson experienced discord within his party ranks, he also found himself more at odds with the Eisenhower administration than ever before. Eisenhower and Johnson had established good relations over the previous years, in part, because the president was not a partisan man by nature and because he needed the cooperation of the Democratic leadership to enact his legislative program. After the 1958 disaster at the polls, Eisenhower found much resentment from congressional Republicans, who blamed him for not campaigning more vigorously for them. As a lame-duck president, he found that the Senate was no longer as cooperative as it had been before—especially considering the large number of senators who thought of themselves as potential presidential candidates in 1960.

Mr. President, there is a certain irony to President Eisenhower's lame-duck status. It was the Republican-controlled Eightieth Congress that originated the Twenty-second Amendment to the Constitution, limiting a president to no more than two terms in office. No one doubted that this was a response to Franklin D. Roosevelt's election to four terms as president. But since the enactment of that amendment, only Republican presidents—Eisenhower, Nixon, and Reagan—have achieved lame-duck status. Perhaps this should serve as a warning against hasty revisions of the Constitution.

In any case, after the 1958 election, with his party's shrunken representation in Congress, President Eisenhower exerted more presidential authority vis-à-vis Congress than he had before. Bryce Harlow, Eisenhower's chief congressional liaison, noted that Eisenhower turned "sharply conservative in the last two years, in contrast to the previous years" of his presidency.[29] The years from 1959 to 1960 were characterized by Eisenhower's persistent efforts to hold down the budget against any congressional attempts to initiate new domestic or defense programs. In 1959, Eisenhower vetoed public housing bills, public works appropriations, and other domestic bills he considered too costly. The strained relations between the administration and the Senate were symbolized in June 1959, when the Senate rejected Eisenhower's nomination of Lewis Strauss to become secretary of commerce. Over the past six decades, this was the only cabinet nomination to have been rejected by a Senate vote. Johnson, in many ways, regretted the action because he believed a president should have the ability to choose his own advisers, but he recognized that there was too much personal hostility toward the abrasive nominee, Strauss, and too much discontent with the domestic directions of the administration.[30]

The Senate was also sharply suspicious of President Eisenhower's defense budgets, particularly in light of Soviet missile and space achievements. Lyndon Johnson, chairing the Preparedness Subcommittee of the Senate Armed Services Committee, grilled the administration's witnesses on reports of a growing "missile gap" between the United States and the Soviet Union. In addition to the slow pace of American missile development, the Johnson subcommittee also pointed to weaknesses in American conventional forces. Despite these charges, however, the Congress did not substantially increase dedefense appropriations over Eisenhower's requests.[31]

As the second session of the Eighty-sixth Congress opened in 1960, Johnson faced another potentially divisive fight over civil rights. The civil rights bill of 1960 was intended to repair some inadequacies in the 1957 act, largely in regard to voting rights. Johnson, who had been successful in staving off a filibuster three years earlier, could not hold back the tide at this point. Under the leadership of Richard Russell, opponents of the bill conducted a well-organized and effective campaign to block its consideration. Johnson felt he had no alternative but to hold the Senate in continuous, round-the-clock sessions. Those of us who were members of the Senate at that time well recall those sessions with sleepy, pajama-clad members answering quorum calls in the early hours of the morning, members chain-smoking and gulping down pots of coffee in the cloakrooms to stay alert, and everyone showing the signs of nervous exhaustion.

Around-the-clock sessions were held, off and on, from February 29 through March 8. The Senate was in session, with two breaks, for nine days, or a total of 157 hours and 26 minutes. During this period, the Senate conducted a nonstop session of 82 hours and 2 minutes, from 7:29 in the morning on March 2, until 5:31 in the afternoon on March 5.

Much is said these days about the "quality of life," but think how it was then! I presided over the Senate for twenty-two continuous hours—all night, all day—and I would have sat there longer had the vice president, Mr. Nixon, not shown up to claim the chair. Cloture votes failed to end the filibuster. At last, the Eisenhower administration agreed to delete those sections most objectionable to its opponents, and the Senate passed a watered down version of the bill.

For all his efforts, Lyndon Johnson won little support from his liberal critics. "I know the liberals felt I made too many compromises," he said later. "I felt I got the best bill I could with the votes I had, and if they could have gotten a better bill, we would have gotten it. But I know there was a lot of feeling among the liberals that they ought to have the whole loaf. And a lot of us would like to have a whole loaf, but you don't always get what you want." [32]

The protracted filibuster demonstrated another of Johnson's problems that year. He was widely regarded as a frontrunner for the Democratic presidential campaign, but, while such candidates as Senators John Kennedy and Hubert Humphrey were out on the campaign trail, Johnson was in Washington leading the Senate through its paces. Johnson found that, while being Majority Leader may catapult a senator into the national limelight, it was not very conducive to campaigning for the presidency. A leader cannot abandon his responsibilities for long, and modern campaigning for the presidency requires a candidate's exclusive attention over a long period, witness the campaigns of John Kennedy, George McGovern, and Jimmy Carter as examples. It came, I think, as a profound shock to Johnson when his party passed him by for the nomination in 1960 in favor of young John Kennedy—who, at that time, might have been called a "backbencher" in the Senate, just as I was. It was a measure of Johnson's commitment to his party, however, that he swallowed his pride and agreed to run as vice president on Kennedy's ticket, a move which many of Johnson's closest advisors urged him to reject. It was also a measure of his insatiable political ambition.

"I remember his candidacy for the vice president," Senator Stennis told me, "and frankly I got to where I could hardly think of the Senate without Lyndon Johnson in it." Senator Stennis was in Johnson's suite at the convention during the discussions over whether to accept Kennedy's offer to take the vice-presidential nomination. "I know Senator Johnson's thinking with reference to that matter," he said. "I frankly hated to give him up in the Senate. He took that position and added greatly to the campaign, no doubt about that, and really helped Mr. Kennedy in his race for the presidency."

So, when the Congress reconvened in August 1960, after its recesses for the party conventions, Johnson no longer was the preeminent Democrat in the chamber. How many of us recall that historically unique session? The Democratic presidential nominee, John F. Kennedy, led his party's forces, aided by vice-presidential nominee Lyndon Johnson. And presiding over the Senate was the Republican presidential nominee, Vice President Richard Nixon. Will we ever see such a confrontation again? For Johnson, it could not have been an easy session with Republicans addressing Senator Kennedy as "the Majority Leader's leader." The politically charged atmosphere of the session was also completely unconducive to legislative accomplishment. The Senate rejected a Kennedy-sponsored Medicare bill, and no action was taken on federal aid-to-education and minimum wage legislation, two important planks in the Democratic platform. When the Senate adjourned on September 1, 1960, nothing of substance had been achieved. It was a totally inappropriate conclusion for Lyndon Johnson's career as Majority Leader.[33]

In November 1960, John F. Kennedy and Lyndon B. Johnson were elected president and vice president of the United States. They won by the narrowest of margins, and it was clear that Johnson's presence on the ticket had helped to hold sufficient southern states and his native Texas to give the needed margin for the ticket.

On January 3, 1961, the Eighty-seventh Congress convened, Lyndon Johnson resigned his Senate seat, and Democratic liberals revolted against Johnson's leadership in their party caucus. Democrats had just elected Montana Senator Mike Mansfield as their leader to succeed Johnson. Johnson, as outgoing leader, presided over the meeting. In his first act as Leader, Senator Mansfield moved that Johnson as vice president be invited to preside over future meetings of the Democratic Conference. Can you imagine that? This action by the new Majority Leader reflected the quiet and unassuming nature of Mike Mansfield, but it was a mistake. Although in those days the conference rarely met, it suggested that Johnson would attempt to play a leading role in enacting Kennedy's legislative program. Various senators were immediately on their feet protesting that such an arrangement would violate the spirit of the constitutional separation of powers. "We might as well ask Jack Kennedy to come back to the Senate and take his turn at presiding," said Senator Albert Gore, Sr., of Tennessee. Others rose with the same complaint, but it was clear that many were venting their frustration over Johnson's all-powerful style of leadership; they wanted no more of it. Although Senator Mansfield's motion carried by a vote of 46 to 17, Johnson was stunned by the vehemence of the opposition and the fact that old friends like Clinton Anderson of New Mexico would have risen to object to his election. At the next meeting of the conference, Johnson handed the gavel to Senator Mansfield and never returned to preside.[34]

Lyndon Johnson ended an influential Senate career by accepting John Kennedy's offer to run as vice president in 1960. *U.S. Senate Historical Office*

The vice presidency was too small to contain a man as big as Lyndon Johnson. Those who knew him realized how frustrated he felt in such a constitutionally powerless post. There was a delightful story that Johnson liked to tell about his Senate chauffeur, a man who had driven every Majority Leader since Joe Robinson. When Johnson became vice president, he invited the chauffeur to continue to drive for him. No, the chauffeur replied, he preferred to drive for men with real power. Although, as vice president, he was the second man in our national political structure, Lyndon Johnson realized that he had abdicated real power when he left the majority leadership. Not until tragic events catapulted him into the White House three years later would Johnson once again show his full capacities for leadership.

CHAPTER 33

A Bipartisan Foreign Policy 1953-1960

April 28, 1986

Mr. President, the late Francis Wilcox was an astute observer of the United States Senate's role in foreign policy, both from his posts as the first chief of staff of the Senate Foreign Relations Committee and as an assistant secretary of state in the Eisenhower administration. During his tenure with the committee and the Department of State, the foreign policy of the United States was frequently and correctly described as a bipartisan policy. Democrats and Republicans alike agreed that politics stopped at the water's edge. While there was still much criticism of individual policies and policymakers, a broad-based consensus in the government and in the country supported the fundamental objectives of the United States in those difficult early years of the cold war. Such bipartisanship lasted until the Vietnam War in the 1960's, when legislative-executive relations became intensely estranged. Having witnessed the rise and fall of bipartisanship, Dr. Wilcox once recorded what he considered the four essential conditions for a bipartisan foreign policy:

> First, when the White House and the administration are controlled by one party, and the Congress is controlled by the other party—as in the case of the 80th Congress—when cooperation becomes absolutely essential; the government can't function in that kind of a situation unless you have a bipartisan approach. Secondly, when there is a fairly good consensus in the country about the basic principles or goals of our foreign policy and the way it should be conducted. . . . Thirdly, the kind of leadership on Capitol Hill that can command the confidence of the Congress and the executive and be willing to deemphasize politics while working for the national interest. And fourthly the kind of strong leadership in the White House that is willing to accord Congress its rightful place in the constitutional scheme of things and is willing to consult frequently with Congress on important foreign policy questions.[1]

Today, in my continuing series of addresses on the history of the United States Senate, I should like to take Dr. Wilcox's opinions regarding the prerequisites for bipartisanship as a means of examining the Senate's role in the foreign policy of the United States between 1953 and 1960—a crucial eight years for this nation and this institution. It was a period of grave challenges and dramatic decisions affecting the survival of humanity on this globe. It was also a period when the executive branch used foreign policy as a means of strengthening presidential power

President Eisenhower received strong bipartisan support from the Congress in foreign policy matters. In 1953, he greeted newly elected House members at the White House, including freshman Representative Robert C. Byrd, *front row, third from left.* *Dwight D. Eisenhower Library*

vis-à-vis Congress. This was an ironic situation because General Dwight D. Eisenhower had run for the presidency in 1952 deeply opposed to executive aggrandizement. Yet, as Professor Arthur Schlesinger has pointed out in his important book, *The Imperial Presidency,* by the end of his second term, Eisenhower had accelerated the transfer of power from Congress to the presidency. Schlesinger wrote, "Two things had happened: the belief that the world was greatly endangered by the spread of communism had generated a profound conviction of crisis in the United States; and the conviction of crisis had generated a foreign policy that placed the separation of powers prescribed by the American Constitution under unprecedented, and at times unbearable, strain." [2]

In 1953, war still raged in Korea; the United States had 3.6 million men in uniform and was allocating billions of dollars for military expenditures. All of this enormously strengthened the president as commander in chief. Although critical of some aspects of strategy and policy, Congress still tended to defer to the president on matters of warfare and national security. It is also important to remember that the two parties at that time fundamentally viewed the world situation in the same way. The Republican Eisenhower inherited his basic national security structure from the Democratic Truman and adopted the broad outlines of his policies.

In June 1953, President Eisenhower convened a six-week, top-secret policy meeting held in the penthouse solarium of the White House. Known as Operation Solarium, the study group drafted the policy statements that guided the next eight years of American foreign policy initiatives under Eisenhower. Only recently were the records of Operation Solarium declassified, and they make most interesting reading. We find, for instance, that Eisenhower rejected the 1952 Republican campaign promise of rolling back Soviet control of Eastern Europe and, instead, decided to concentrate his efforts on building a position of strength so that other nations would respect American interests and see the United States as a source of support. This strategy required that the United States use any means possible, from conventional ground troops to nuclear weapons, to deter aggression. The United States and its allies would strengthen themselves to prevent political or military gains by the Communists and to diminish Soviet influence in the world. Essentially, this was a continuation of the policies forged under Harry Truman.[3]

Eisenhower began his presidency with a broad national consensus on foreign policy and strong bipartisan support in the Congress. The greatest difficulty he encountered was not from the opposition party but from critics within his own party. In a previous address, I discussed the peculiar crusade of Senator Joseph R. McCarthy, whose hunt for Communists in government deeply shook the Department of State, driving competent, independent-minded men out of policy-making positions and severely depressing the morale of those who remained. Opposition came also from Senator William Knowland, who, in the summer of 1953, became the Republican Majority Leader. Knowland's close attachments to the government of Chiang Kai-shek had won him the sobriquet of "the senator from Formosa." A man of principle, Knowland was willing to fight even the titular leader of his own party if they disagreed on an issue.

But it was the silver-maned senator from Ohio, John Bricker, who made the most direct assault on Eisenhower's foreign policy leadership. In 1951, Senator Bricker began introducing an amendment to the Constitution which would prohibit the United States from entering into any international agreements that might affect the rights and freedoms of the people or the character and structure of the government. What motivated Bricker was a concern that American participation in the United Nations Charter and Universal Declaration of Human Rights covenant might somehow override American laws. As it evolved, however, the main thrust of the Bricker amendment came to be, "Congress shall have power to regulate all executive and other agreements with any foreign power or international organization."

Many Republicans saw the Bricker amendment as a vehicle for preventing presidents from entering into unsupervised executive agreements such as the one Roosevelt reached with Stalin and Churchill at Yalta. Mrs. Phyllis Schlafly, already a political activist in 1953, called the Bricker amendment "the most important and necessary legislation that the present Congress can pass." The amendment also won support from such groups as the American Bar Association, the United States Chamber of Commerce, and the Daughters of the American Revolution.[4]

When Senator Bricker reintroduced his amendment at the beginning of the Eighty-third Congress, he had sixty-two cosponsors,

Senator John W. Bricker, *center*, who sponsored the Bricker amendment, met with the press in the President's Room at the Capitol.
U.S. Senate Historical Office

including forty-five of the forty-eight Senate Republicans. The amendment frightened many experts in the State Department. Some interpreted it as meaning that future treaties would have to be ratified by each of the states. Seeing the amendment as a congressional attempt to reduce the powers of the president over foreign policy, Eisenhower was determined to block that effort. He and Secretary of State John Foster Dulles met with Senator Bricker but could not budge him, for Bricker, as Eisenhower noted, had "gotten almost psychopathic on the subject." The president became so frustrated over his dealings with the senator that he once remarked to his press secretary, "If it's true that when you die the things that bothered you most are engraved on your skull, I am sure I'll have there the mud and dirt of France during the invasion and the name of Senator Bricker."[5]

As the Eisenhower administration fought desperately to delay and defeat the Bricker amendment, it turned to the chairman of the Foreign Relations Committee for help. The chairman, Alexander Wiley of Wisconsin, suffered badly by comparison with his predecessors, Arthur Vandenberg and Tom Connally. An amiable politician, he simply lacked the knowledge, interest, and prestige to handle that job competently. Secretary Dulles found it impossible to discuss substantive issues of foreign policy with Senator Wiley. But Wiley was an administration loyalist, and he fought tooth and toenail in opposition to the Bricker amendment. Pat Holt, a member of the Foreign Relations Committee staff and later its director, recalled:

> There were *endless* hours spent fooling around with words [on the Bricker amendment], . . . what hypothetical situations would this particular formulation apply to, and so on. In this process there were a good many meetings in the White House with Eisenhower and John Foster Dulles and various senators who were interested in it. Wiley's principal function in these meetings was to stiffen the spine of the Eisenhower administration and keep them from agreeing to something which they would probably later regret.

Senator Wiley, according to Pat Holt, "had a gut feeling that it would do violence to the Constitution." Wiley showed considerable political courage, lined up against most of the senators from his own party and in the face of a substantial mail campaign in favor of the treaty. "I've got 10,000 letters supporting the Bricker Amendment," he once commented, "but three million people voted in Wisconsin in the last election, and I haven't heard from the other 2,990,000 of them."[6]

In addition to help from Senator Wiley, the Eisenhower administration looked to Senate Democrats. In January 1954, Eisenhower and Dulles met with Senator Walter George, ranking Democrat on the Foreign Relations Committee, to find a way to prevent passage of the amendment. Senate Democratic Leader Lyndon Johnson welcomed this opportunity to help save the president from isolationists in his own party. Senators Johnson and George and the Democratic Policy Committee thus began drafting an alternative resolution. This one stated that "an international agreement other than a treaty shall become effective as internal law in the United States only by an act of the Congress." Even this version, however, raised objections from the Department of State as restricting presidential authority. In February, the Senate rejected the Republican version of the Bricker amendment by a 42 to 50 vote (not obtaining a majority, let alone the necessary two-thirds) but then came very close to passing the Democratic substitute. Eisenhower marshaled all of his lobbying skills to persuade members to vote against the George substitute and managed to defeat it by a single vote. It was the late Senator Harley Kilgore of West Virginia who cast that decisive vote. The Bricker amendment was finally dead.[7]

In July 1953, the United Nations and North Korea signed an armistice at Panmunjon, ending the Korean War. Immediately, American concerns were focused on another Asian trouble spot, Indochina. There, the French were holding an increasingly precarious position against nationalist forces led by Ho Chi Minh. In his first appearances before the Senate Foreign Relations Committee and the House Foreign Affairs Committee, Secretary Dulles drew special attention to this region:

> In some ways it is more dangerous, I would think, than any other situation in the world, because the loss of Indochina would probably have even more serious repercussions upon the Indian-Asian population than even the loss of South Korea and, also, because what is going on in Indochina has very serious repercussions in Europe and upon the mood of France, and the willingness of the French to move in partnership with Germany toward the creation of unity and security in Europe.[8]

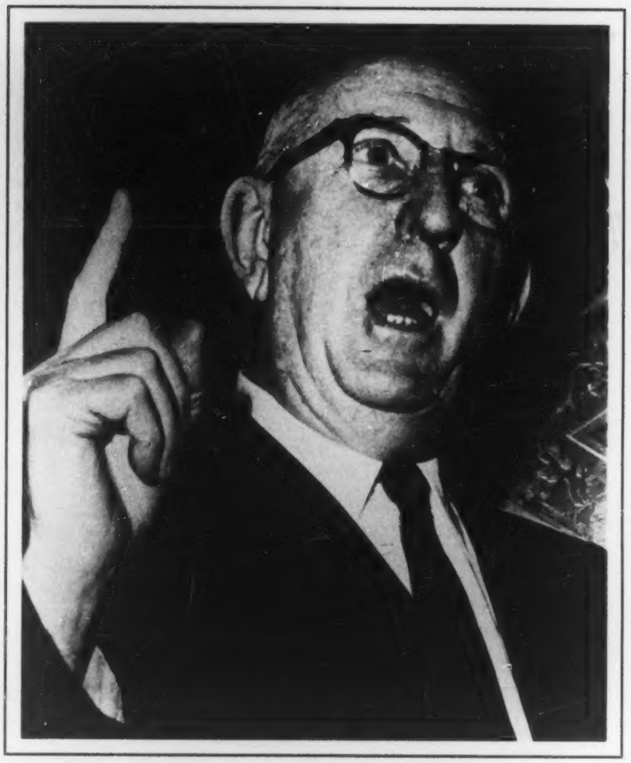
Senate concern over the course of events in Indochina became evident during the debate over President Eisenhower's request in 1953 for an additional $400 million in military aid for that region. The House passed the bill with little opposition, but the Senate engaged in a sharp debate on the matter. Senator Barry Goldwater of Arizona introduced an amendment requiring the French to set a target date for the complete independence of Indochina. Senator Goldwater argued that, unless the political aspirations of the people of Indochina were met, the United States

Secretary of State John Foster Dulles met regularly with senators from both parties to promote a bipartisan foreign policy.
U.S. Senate Historical Office

would inevitably be drawn into military conflict in the region. The only way to "prevent many of our boys from ending up in the jungles of southeast Asia," said Senator Goldwater, was "to ask France . . . to grant independence and the right of freedom to those people who have fought so long for their independence and freedom."

Senator John F. Kennedy of Massachusetts agreed with Senator Goldwater that the war could never be won unless "large numbers of the people of Viet-Nam are won over from their sullen neutrality and open hostility to it and fully support its successful conclusion." This could never be done, Kennedy asserted, unless the people of Indochina were assured of their independence at the conclusion of the war. Kennedy, however, wanted to avoid "an ultimatum" to the French and offered a substitute for Goldwater's amendment, that all mutual security funds spent in Indochina would be administered in such a way as to encourage the freedom and independence of the people there. Even this measure was considered too drastic, and the Senate defeated Kennedy's proposal by a 17 to 64 vote. Considering the roles they would later play in the Vietnam War, it is interesting to note that Senators Goldwater and Kennedy sponsored these cautionary amendments and Senator Lyndon Johnson voted against them.

Congress voted the $400 million for Indochina, but the French immediately asked for another $385 million, warning that without it, they might have to withdraw from the area. The Eisenhower administration agreed to the increase, and Thruston Morton, then assistant secretary of state for congressional relations, came to Capitol Hill to brief the influential Senator Richard Russell. Morton later recalled that Senator Russell told him: "You are pouring it down a rathole; the worst mess we ever got into, this Vietnam. The president has decided it. I'm not going to say a word of criticism. I'll keep my mouth shut, but I'll tell you right now we are in for something that is going to be one of the worst things this country ever got into." What a tragedy that Richard Russell's prophetic warning was not heeded!



Senator Richard B. Russell considered Vietnam "the worst mess we ever got into."

U.S. Senate Historical Office

In addition to increased financial aid, the Eisenhower administration wanted to send two hundred aircraft technicians to assist the French. Senator Mike Mansfield, who had traveled through Indochina and who was as familiar with that region as any member of the Senate, approved the sending of these troops but warned that it was up to the people of Indochina, rather than the United States, to fight the war. Senator John Stennis voiced similar concerns. "I am afraid we will move to a point from which there will be no return," he cautioned.[9]

In March 1954, the Viet Minh attacked the French garrison at Dienbienphu. Some observers feared that the loss of Dienbienphu might mean the loss of all of Indochina. Should the United States intervene militarily to save the French? Secretary of State Dulles and Admiral Arthur Radford, chairman of the Joint Chiefs of Staff, leaned toward intervention. In a press conference, Eisenhower made his famous analogy of falling dominoes to describe the situation: if the Communists knocked one over, all the rest would fall. By April 1, the situation had so deteriorated that policy planners were considering an American air strike to aid the French garrison. The administration drafted a joint resolution empowering the president to use American forces to resist aggression in Southeast Asia. On April 3, Secretary Dulles called congressional leaders to the State Department for a briefing. There, Radford and Dulles warned of the consequences of a Communist victory and urged that the president be given congressional support to use military power.

Senate Republican Leader William Knowland supported the venture, but Democratic leaders were skeptical. Senator Earle Clements questioned Admiral Radford about the proposed American air strike at Dienbienphu. "Does this plan have the approval of the other members of the Joint Chiefs of Staff?" "No," Radford replied. "How many of the three agree with you?" "None," said the Admiral. "How do you account for that?" Clements demanded. "I have spent more time in the Far East than any of them and I understand the situation better," Radford insisted. Senator Lyndon Johnson then asked whether Secretary Dulles had consulted with other nations who would be allies in the intervention. Dulles said he had not. By the end of the meeting, congressional Republicans and Democrats alike advised Dulles to seek allies for the intervention and not to plan on unilateral American action.[10]

Back at the Capitol, Senator Lyndon Johnson met with a small group of Democratic senators and gave them "a vivid, muscular and athletic recounting" of the meeting with Dulles. When the support of the congressional leaders had been solicited, Johnson told them he had pounded on the desk to emphasize his opposition. It was clear from such displays that the administration could not count upon uncritical congressional support unless it could demonstrate strong pledges of assistance from American allies. On April 6, for instance, Senator John Kennedy, in a speech in the Senate, stated that he favored a policy of united action by many nations. "But to pour money, materiel, and men into the jungles of Indochina without at least a remote prospect of victory," he said, "would be dangerously futile and self-destructive." Senator Stennis declared: "I do not believe that Congress would ever vote, or should vote, to have the United States go in on a unilateral basis. It would have to be a united effort; not a token effort, but a real united effort."

Secretary Dulles flew to London to persuade the British to join in a united front in Indochina, but to no avail. British Foreign Minister Anthony Eden recalled in his memoirs that Prime Minister Winston Churchill had decided it would be a mistake for the British to join the United States in sending troops into Indochina. "Sir Winston summed up the position by saying that what we were being asked to do was to assist in misleading Congress into approving a military operation, which would in itself be ineffective, and might well bring the world to the verge of a major war." The British refusal to intervene undercut Dulles' efforts and convinced Eisenhower not to involve the United States militarily at Dienbienphu. "Without allies and associates," the president told his staff,

Left to right, Senate Republican Leader William F. Knowland, House Republican Leader Joseph W. Martin, Senate Democratic Leader Lyndon B. Johnson, and House Speaker Sam T. Rayburn met with President Eisenhower at the White House. *U.S. Senate Historical Office*

"the leader is just an adventurer, like Genghis Khan." On May 7, 1954, the garrison at Dienbienphu fell to the Communists. This set in motion the independence of Indochina from France and its partition, at the Geneva Conference, into Laos, Cambodia, and North and South Vietnam.[11]

President Eisenhower has received commendation from historians for his decision not to intervene at Dienbienphu. In light of subsequent events in Vietnam, he clearly made the right decision. When we consider that Secretary Dulles had in his pocket a draft resolution calling for American military intervention and that Vice President Richard Nixon was suggesting that American troops might need to be sent to Indochina if the French withdrew, Dwight Eisenhower was the model of a cautious, rational, pragmatic national leader. However, we should keep in mind that strong congressional opposition to unilateral intervention had exerted a moderating influence on the administration and reminded it of the need to seek allies. This was the conclusion of veteran *Washington Post* correspondent Chalmers Roberts' famous article on "The Day We Didn't Go to War." Congress had helped the administration face reality.

In 1954, Democrats won majorities in both the Senate and the House, and, for the rest of Eisenhower's administration, the Republican president had to deal with a Democratic Congress. In some ways, Eisenhower had an easier time with Congress after the Democrats took charge. No longer did he need to agonize over John Bricker's amendment or McCarthy's harassment of the State Department and the army. Now he dealt with Lyndon Johnson rather than Bill Knowland as Majority Leader, with Sam Rayburn rather than Joe Martin as Speaker of the House.

Recalling one of Francis Wilcox's precepts with which I began this talk, control of the presidency and Congress by different parties

Eisenhower's efforts to build links to Congress paid off in the bipartisan support he won. Here the president trades quips with House Speaker Rayburn and other members of Congress. *U.S. Senate Historical Office*

may seem, in some cases, to promote a bipartisan approach to foreign policy. Arguably, this may force both sides to act responsibly and with some degree of mutuality. However, I am not persuaded that a politically divided government will normally better promote bipartisanship in foreign policy.

President Eisenhower wanted to open "lines of communication" with Congress. We often forget, when considering his military background, that, in the early 1930's, Eisenhower had served as General MacArthur's aide-de-camp and had handled congressional relations for the army. He was no stranger to Washington's ways. Secretary Dulles was also aware of the example of his predecessor Dean Acheson's poor relations with Congress, and Dulles went out of his way to consult with congressional leaders on major issues. The Eisenhower administration created the first legislative liaison unit in the White House with regular liaison officers assigned to work with the Senate and House. President Eisenhower wrote that he "early embarked on a program of discussing issues, in a social atmosphere, with groups of Congressmen and Senators of both parties, in the hope that personal acquaintance would help smooth out the difficulties inherent in partisanship." [12]

Eisenhower's and Dulles' efforts to build links to Congress paid off in the bipartisan support they were able to win, fairly consistently, during the 1950's. Take, for example, the crisis that developed in the Formosa Straits in 1954 and 1955. In September 1954, the Chinese Communists commenced artillery shelling of the island of Quemoy, which was occupied by the Nationalist Chinese under Chiang Kai-shek. Occasionally, artillery fire was supplemented by air attacks, and an invasion from mainland China seemed imminent. In a message on January 24, 1955, President Eisenhower invited Congress "to participate now, by specific resolution, in measures designed to improve the prospect of peace," including "the use of the Armed Forces of the United States if necessary to assure the security of Formosa and the Pescadores."[13]

The Congress, which had cautioned President Eisenhower against intervention in Indochina, was not eager to initiate any action which might lead to war with the People's Republic of China. In addition, as Senator John Sparkman recalled: "There was on the [Foreign Relations] Committee at this time a profound distrust of Chiang and his intentions. Dulles did his best to allay these fears, telling the Committee that he had explicit commitments from Chiang not to undertake a return to the mainland without U.S. approval." The Foreign Relations and Armed Services committees met jointly in closed session to hear Secretary Dulles' justification of the proposed resolution. The resolution was "absolutely necessary," said Dulles, because "there is at least doubt as to whether or not the President could, without congressional authorization, take the kind of action which I am talking about. The area of authority as between the President and the Congress in these matters is admittedly a shady one." The venerable Alben Barkley, former Majority Leader and vice president, now returned for his last term in the Senate, asked the question on everyone's mind: "Would it be fair to describe this resolution as a predated declaration of war?" Secretary Dulles replied that "the President does not interpret this as a declaration of war, and if there were a situation to arise which in his opinion called for a declaration of war, he would come back again to the Congress."[14]

With such assurances, both the Senate and House quickly approved the Formosa Resolution. At that time, I was a member of the House Foreign Affairs Committee. By asking Congress for a joint resolution when the government faced the possibility of military engagement overseas, President Eisenhower did what President Truman had decided against doing after the Korean invasion. Professor Arthur Schlesinger has noted that, in contrast to earlier resolutions in American history which authorized use of military force, the Formosa Resolution ordered no action and named no enemy. "Rather it committed Congress to the approval of hostilities without knowledge of the specific situation in which the hostilities would begin." But Congress was in no mood to challenge the assumptions of presidential leadership in foreign and military affairs. As Majority Leader Lyndon Johnson said, "We are not going to take the responsibility out of the hands of the constitutional leader and try to arrogate it to ourselves."[15]

The president returned to Congress with a similar request two years later, this time dealing with the Middle East. In 1956, Great Britain, France, and Israel had invaded Egypt to seize the Suez Canal. The United States had opposed the invasion and forced its allies to withdraw. In the process, Great Britain, upon whom we had relied as the chief bulwark against Soviet intervention in the Middle East, lost its prestige and influence in the region. Secretary Dulles, perceiving a dangerous power vacuum that the Soviets would be tempted to exploit, sought some means of injecting the United States into the Middle East, a region in which this country had long played only a peripheral role. The difficult question was how we could replace the British bulwark without taking on the hated mantle of colonialism. With these issues in mind, President Eisenhower appeared before a joint session of Congress on January 5, 1957, to request authority to send American armed forces to the Middle East, if necessary, to preserve the territorial inde-

Madame Chiang Kai-shek, promoting her country's interests, met with, *left to right*, Senators Dirksen, Sparkman, Mansfield, Russell, and Case. *U.S. Senate Historical Office*

pendence of nations there from international communism.

Once again the question of a "predated declaration of war" was raised, this time by Senator Hubert Humphrey. Secretary Dulles objected to the term, attributing the peaceful outcome of the Formosa crisis to the authority granted by the Formosa Resolution. "I would call it a declaration of peace rather than a declaration of war because I think that without this we are in great danger of getting into war," Dulles observed. But, unlike the Formosa Resolution, which rushed through Congress with minimum debate, the Middle East Resolution, or "Eisenhower Doctrine" as the press called it, was the subject of extensive Senate scrutiny. The House approved the resolution by a wide margin on January 30. However, the Senate Foreign Relations and Armed Services committees held joint hearings in public and executive sessions, and the Senate debated the resolution for twelve days before passing it on March 5.[16]

Mr. President, I would like to read some of the comments made by members of the Senate in the closed-door hearings on the Middle East Resolution. These hearings were classified and closed until 1979 when they were published by the Senate Foreign Relations Committee as part of its historical series. I am pleased that the committee has opened and published its executive-session transcripts for all of the Eisenhower administration and that it is currently publishing volumes covering the Kennedy years. This series, which the committee launched in 1973, has been praised by diplomatic historians as a critical research tool for understanding the historic role of Congress in the for-

The Senate Foreign Relations and Armed Services committees met jointly to consider President Eisenhower's Middle East Resolution. *U.S. Senate Historical Office*

mulation of American foreign policy. I commend the members of the Foreign Relations Committee for this important public service.

One of those most skeptical of the Middle East Resolution was Senator J. William Fulbright of Arkansas. Although not yet chairman of the Foreign Relations Committee, Senator Fulbright was already recognized as the Senate's leading expert in international relations. Senator Fulbright had supported the Formosa Resolution but now had his doubts. In a speech in the Senate on February 11, 1957, Fulbright charged that there had been

> no real prior consultation with Congress, nor will there be any sharing of power. The whole manner of presentation of this resolution—leaks to the press, speeches to specially summoned Saturday joint sessions, and dramatic secret meetings of the Committee on Foreign Relations after dark one evening before the Congress was even organized, in an atmosphere of suspense and urgency—does not constitute consultation in the true sense. All of this was designed to manage Congress, to coerce it into signing this blank check.[17]

In the closed sessions, other senators expressed similar concerns about the resolution. Senator Richard Russell objected that it left Congress "as an appendage of the executive branch of the Government in dealing with this very vital and important matter." Senator Russell continued:

> In my opinion, the Congress of the United States is being treated as a group of children, and very small children, and children with a very low IQ at that, in the manner that this resolution has been presented to us. . . .
>
> . . . I think that the Congress, if it is going to preserve its own self-esteem, ought to have more information than we have on it. . . .

> . . . I don't wish to pose as a prophet, but I unhesitatingly say that if we pass this resolution in this fashion, that from here on out we will never get back in control of your program in this area. . . .
>
> It may be going for the next 25 or 30 years, and the Congress will never regain control of it. It will from here on out be in the hands of the executive branch of the Government.[18]

Senator Sam Ervin of North Carolina counseled:

> . . . the Constitution of the United States, as I construe it, contemplates that the Armed Forces of the United States will not be put into ~~an~~ offensive war, . . . without the consent of Congress; and here this first part of this resolution says that the President can put our Armed Forces against some enemy which has not yet been selected, in the Middle East.
>
> This resolution is not directed against Russia; it is directed against the nations which we fear will become Communist in the Middle East . . . and it is a perfect invitation for another Korea, with Russia furnishing arms, and us furnishing the boys to do the dying."[19]

Senator Wayne Morse of Oregon argued:

> Now you have got a resolution here which, for the first time, suggests that the President of the United States can exercise his discretion to proceed to protect the territorial integrity of some other country somewhere in the world attacked by some Communist country, because he thinks that eventually that may involve the security of the United States, and I think that is an absurd stretching of that alleged emergency power on the part of the President, and I think it would be a clear violation of the constitutional power of the President.[20]

The members of the Senate Foreign Relations and Armed Services committees wrestled long and hard with what Richard Russell called the "shadowland" between the president's authority to use military forces and the need for a declaration of war. They finally amended the Middle East Resolution to strike out the idea of a congressional authorization and to leave the resolution as more of a declaration of U.S. policy in the Middle East. "The effect on Eisenhower," Professor Schlesinger has noted, "was to convince him less of the need for serious consultation with Congress than of his inherent authority to employ armed forces at presidential will." The next year, when the president sent American troops to Lebanon, he did not invoke the Middle East Resolution or ask Congress for any approval but, instead, acted under his authority as commander in chief.[21]

Chief of Staff Francis Wilcox outlined the essential ingredients for a bipartisan foreign policy.
John O. Hamilton/U.S. Senate Historical Office

There is a historical postscript to this fascinating debate over the Middle East Resolution. As I pointed out, the two committees deliberated for several weeks on this issue and made significant changes in the text of the resolution. In contrast, when President Lyndon Johnson presented the Congress with the Gulf of Tonkin Resolution in 1964, there was neither protracted nor significant debate in committee or on the floor. Why so much attention to one and not to the other? It is hard to say for sure, but, perhaps, the force of so many resolutions in support of presidential use of armed forces, from Formosa in 1955 to the Middle East Resolution in 1957 and the Cuba and Berlin resolutions in 1962, helped lull the Congress into inattentiveness. The constitutional scruples that members had agonized over earlier were put aside in 1964, much to the later regret even of the resolution's sponsors. Reading through these observations by Senators Fulbright, Russell, and Ervin over the Middle East Resolution, one might wish that they had raised the same warning flags over Vietnam. Only Senator Wayne Morse was consistent in his suspicion of both measures.

Mr. President, I think it is clear from my discussion of such issues as the Formosa and Middle East resolutions that President Eisenhower received strong support and helpful advice from the Congress during the 1950's. But, despite the bipartisan endorsement of our foreign policies and the administration's efforts to build and maintain strong links to Congress, there remained significant areas where the administration acted independently without consulting or informing Congress of its activities. We know now, as we did not know then, that the Eisenhower administration made unprecedented use of covert activities to shape American foreign policy. We know now, as we did not know then, that the Central Intelligence Agency helped overthrow the government of Mohammed Mossadegh in Iran in 1953 and helped the Shah of Iran return to power. We know now, as we did not know then, that the CIA organized the revolution in Guatemala that overthrew the government of Jacobo Arbenz Guzman in 1954. There was no congressional oversight of intelligence activities at that time. The only member of the Senate regularly informed of CIA activities was Senator Richard Russell, chairman of the Armed Services Committee and senior member of the Department of Defense Subcommittee of the Appropriations Committee. During the 1950's, Senator Mike Mansfield began to call for a special committee to oversee the CIA, but this call went unheeded for another twenty years.

There was a price to pay for Congress' lack of involvement in intelligence issues, and the price included such avoidable blunders as the U–2 affair in 1960 and the Bay of Pigs invasion in 1961. The CIA had used its high-flying U–2 planes to gather extraordinary information about the closed Soviet society but continued the flights to the very eve of President Eisenhower's summit meeting with Premier Nikita Khrushchev. When the plane piloted by Francis Gary Powers was shot down on May 1, 1960, the Eisenhower administration was caught in a clumsy lie, pretending it had been a weather flight. Eventually, the president conceded the intelligence-gathering nature of the flight but refused to apologize to the Soviets, and Khrushchev stormed out of the summit meeting. We also know now, but did not know then, that, in March 1960, President Eisenhower gave the CIA authorization to begin training Cuban refugees for an invasion of Cuba, which, a year later, at the beginning of John Kennedy's administration, ended in complete failure at the Bay of Pigs. Had a congressional intelligence committee existed at that time or had congressional leaders been at all consulted in advance, one suspects that cautionary warnings would have been raised that could have saved the administration from international embarrassment.

By the end of Eisenhower's second term, a sense of congressional disenchantment with the administration's foreign policies had developed. In 1959, Senator Hubert Humphrey was complaining that "the slogan of 'bipartisanship' has too often been invoked to muzzle criticism of administration mistakes." One study by the Foreign Relations Committee noted that "as the President's second term ran out, public debate, in its preoccupation with the U–2 incident and missile-gap controversy, had begun to show some signs of the development of the kind of 'credibility gap' that had plagued President Truman in his last years."

Mr. President, I began my remarks today with Dr. Francis Wilcox's ingredients for an ideal bipartisan arrangement on foreign policy. In brief, he believed these were: (1) Congress and the presidency should be controlled by opposite parties; (2) there should be national consensus on foreign policy; (3) there should be leadership on Capitol Hill that commands respect in both Congress and the executive branch and that is willing to deemphasize politics; and (4) there should be a presidency that is willing to recognize Congress' constitutional role in foreign policy and to consult with it frequently on important international matters.

To a remarkable degree, these conditions existed during the 1950's while Dwight Eisenhower was president and Lyndon Johnson was Senate Majority Leader. And yet, despite the national consensus, despite the inherent congressional support for presidential leadership in foreign policy, despite the president's good intentions of opening communications links with Congress, the bipartisanship of the Eisenhower years did not produce entirely satisfactory results. As one Foreign Relations Committee study concluded: "On balance [there was] little to indicate that Congress had become anything like an equal partner in the making of foreign policy or given access to the inner councils. Good intentions, it would seem on the basis of this evidence, were not enough in themselves to lower the barriers to an open executive-legislative relationship." [22]

CHAPTER 34

The Senate Class of 1958

July 17, 1986

Mr. President, the United States Senate, in its continuity, runs like an unbroken thread from our time back to its first meeting in April 1789. By this, I mean that the Senate is a continuing body. While the entire House of Representatives is elected every two years, only one-third of the senators run at each biennial election. Since two-thirds of the senators carry over, our rules are continuous and do not have to be readopted at the beginning of each Congress. Although the Senate is as an unbroken thread, elections can dramatically alter its color and texture. In modern memory, we recall some momentous elections. The election of 1946 brought to power the post-New Deal Republican Eightieth Congress. The election of 1948 brought the Democrats control of Congress while Harry S. Truman upset Thomas E. Dewey. The election of 1954 saw the beginning of twenty-six straight years of Democratic majorities in the Senate, and a majority in the House which still continues. The election of 1964 produced a flood of Democratic congressmen who made Lyndon Johnson's Great Society programs possible. The election of 1980 ended the Democratic majority in the Senate and established the present Republican control. Today, in my continuing series of addresses on the history of the U.S. Senate, I would like to pay tribute to the Class of 1958, my class, swept into office by that remarkable election, and its long impact upon this institution.

We hear much about the election of 1958 these days, as commentators seek to analyze the congressional races of 1986. Then, as now, a popular Republican president sat in the White House, two years after his triumphant reelection, barred by the Constitution from seeking a third term. Then, as now, most of the seats up for election were held by Republicans. Twenty-two Republican seats are up this year, as opposed to eleven for the Democrats. One must go back to 1926 to find more Republicans (twenty-six) up for reelection in a single year. The closest parallel is 1958 when twenty-one Republican and thirteen Democratic seats were up.

The Republican seats were occupied by Frank Barrett of Wyoming, J. Glenn Beall, Sr., of Maryland, John W. Bricker of Ohio, Ralph Flanders of Vermont, Barry Goldwater of Arizona, Roman Hruska of Nebraska, Irving Ives of New York, William Jenner of Indiana, William Knowland of California, William Langer of North Dakota, George Malone of Nevada, Edward Martin of Pennsylvania, Frederick Payne of Maine, Charles Potter of Michigan, William Purtell of Connecticut, Chapman Revercomb of West Virginia, H. Alexander Smith of New Jersey, Edward Thye of Minnesota, Arthur Watkins of Utah, and John J. Williams of Delaware.

The Democratic incumbents included Harry Byrd, Sr., of Virginia, Dennis Chavez of New Mexico, Albert Gore, Sr., of Tennessee, Spessard Holland of Florida, Henry Jackson of Washington, John Kennedy of Massachusetts, Mike Mansfield of Montana, John Pastore of Rhode Island, William Proxmire of Wisconsin, John Stennis of Mississippi, Stuart Symington of Missouri, and Ralph Yarborough of Texas. In addition, B. Everett Jordan, a Democrat, had been appointed to fill an unexpired term from North Carolina, while John Hoblitzell, Jr., a Republican, had been appointed to the Senate from West Virginia. Both stood for election in 1958.

All of the incumbent Democrats whose terms were due to expire in 1959 ran for reelection. Five of the incumbent Republicans announced their voluntary retirement. Of the sixteen remaining Republicans, only William Langer had served three terms. Seven were two-term senators and members of the Class of 1946, the Republican landslide that had resulted in the Republican majorities of the Eightieth Congress. Five were first-term members who had won election on Eisenhower's coattails, while three others were midterm appointees.

Traditionally, midterm elections favor the party out of power. Despite President Eisenhower's enormous personal popularity, his party had lost control of both the Senate and House in 1954 and had been unable to win control back in the trail of his successful reelection in 1956; thus, by 1958, the country had gone for four years with a Republican president and a Democratic Congress. The margin of difference, however, between the two parties in the Senate during these years was slim. A coalition of conservative senators from both parties gave frequent support to the president's program and blocked measures which he opposed. In addition, Senate Democratic Majority Leader Lyndon Johnson and House Speaker Sam Rayburn had pursued a policy of cautious accommodation with the president. Thus, a relatively stable political climate existed in Washington despite the division of parties between the White House and Capitol Hill.

The election of 1958 changed all of that. As the historian Michael Foley has pointed out in his important book *The New Senate: Liberal Influence on a Conservative Institution, 1959–1972,* the Republicans handed the Democrats a number of issues on which they could campaign successfully. There was a severe economic recession that year. There was national anxiety over the Soviet Union's successful launch of the first earth satellite, *Sputnik.* There was a scandal in the White House that resulted in the resignation of presidential assistant Sherman Adams, accused of accepting favors from those doing business with the government. There was the Republican failure to amend the Taft-Hartley Act as promised in that party's platform. There was uncertainty over the administration's civil rights program. And there was the president's lame-duck status.[1]

Perhaps the most spectacular act of political suicide that year was committed by Senate Republican Leader William F. Knowland. A man with great popularity in his home state of California—where he was elected on both the Republican and Democratic tickets in 1952—William Knowland aspired mightily to be president of the United States. Two major obstacles stood in his way: Vice President Richard Nixon, another Californian who hungered for the presidency, and the political tradition that favored governors over senators in presidential campaigns. Until that point, only Warren G. Harding had gone directly from the Senate to the White House. In order to beat Nixon for the Republican nomination and then win the general election in 1960, Knowland decided that he must leave the Senate and get elected governor. From that position, he could control California's delegation to the Republican Convention and could avoid taking stands on those controversial issues upon which senators must regularly cast their votes.

In his typical blunderbuss style, Knowland bullied a very reluctant Governor Goodwin Knight into not running for reelection as governor but for his Senate seat instead. California voters thus were faced with the bizarre spectacle of their governor running for senator and their senator running for governor. Showing disdain for this sort of political musical chairs, the voters unceremoniously and overwhelmingly defeated both Knowland and Knight. Poor William Knowland not only found his career in ashes but, two years later, he had to watch his rival, Richard Nixon, take the Republican nomination and then lose the presidential election to John Kennedy—a United States senator! [2]

Knowland's misery did not lack company. The Republicans lost thirteen Senate seats in the 1958 elections. They also lost three of the four new Senate seats from Alaska and Hawaii which were added during the Eighty-sixth Congress. Suddenly, the Senate ratio jumped from forty-nine Democrats and forty-seven Republicans to sixty-four Democrats and thirty-four Republicans, which proved to be a world of difference.

Every Democratic senator running for reelection won. Five Republicans also were reelected: Senators Beall, Goldwater, Hruska, Langer, and Williams. Gone were Senators Barrett, Bricker, Hoblitzell, Jenner, Malone, Payne, Potter, Purtell, Revercomb, Thye, and Watkins—all Republicans, all defeated. In their places were, in alphabetical order, Robert Byrd of West Virginia, Howard Cannon of Nevada, Thomas Dodd of Connecticut, Clair Engle of California, Philip Hart of Michigan, Vance Hartke of Indiana, Eugene McCarthy of Minnesota, Gale McGee of Wyoming, Frank Moss of Utah, Edmund Muskie of Maine, Jennings Randolph of West Virginia, Harrison Williams of New Jersey, and Stephen Young of Ohio. Three new Republican senators bucked the national tide that election: Kenneth Keating of New York, Winston Prouty of Vermont, and Hugh Scott of Pennsylvania.

These were young men. The average age of the newly elected Democrats was only forty-six. They ranged from Stephen Young, the oldest at sixty-nine, to Harrison Williams, the youngest at thirty-nine. I was forty-one years old at the time of my election to the Senate. The new Republican senators, in contrast, averaged fifty-six years of age, a full ten years older than the Democrats. Despite our youth, we were not inexperienced in government. Ten of the sixteen new senators had served previously in the House of Representatives. One, Ed Muskie, had been governor of Maine; and another, Phil Hart, had been lieutenant governor of Michigan. Vance Hartke had been mayor of Evansville, Indiana; Howard Cannon had been city attorney of Las Vegas, Nevada; and Gale McGee, a professor of American history at the University of Wyoming, had served as legislative assistant to Senator Joseph O'Mahoney. As a professor, McGee was one of only five nonlawyers among the sixteen new members; the others were Gene McCarthy, a professor of economics and sociology, and Senators Prouty and Randolph whose careers were in business, and myself.

President Kennedy presented Senator Byrd with his law school diploma at American University in 1963.
Office of Senator Robert C. Byrd

By way of explanation, I did not get my law degree from American University until 1963, when, at the age of forty-five, I graduated *cum laude.* The commencement speaker that day, President John F. Kennedy, delivered an important foreign policy address. He also personally presented me with my law school diploma.

The Class of 1958 not only changed the political alignment of the Senate but also altered the ideological alignment of the Democratic party within the Senate. Note that not one of the thirteen new Democrats whom I have listed represented a state from the old Confederacy. The election had increased the ranks of northern and western Democrats over southern Democrats and had given Senate Democrats their most liberal complexion in years. In contrast to these freshmen members, the Democrats with the most seniority in the Senate were preponderantly southern. Of the sixteen standing committees in 1959, ten were chaired by southerners. Not all of these southern chairmen were conservatives, for they included such independent and progressive-minded men as J. William Fulbright and Lister Hill. But, for the most part, those senators with seniority, chairmanships, and positions on the Democratic Policy and Steering committees tended to be more conservative than the newly elected class. The Class of 1958, joined by other liberal senators including Joseph Clark and William Proxmire, tended to brand their seniors as the "Senate establishment" and the "inner club."

Mr. President, occasionally in my speeches I have referred to this so-called inner club, a term which today is perhaps more familiar to political scientists than to my colleagues in the Senate. This phrase was coined and popularized by the journalist William S. White in his book *Citadel, The Story of the U.S. Senate,* published in 1956. White's book was a loving salute to this institution, which he covered for many years for the *New York Times.* Writing shortly before the great changes of 1958, White argued that the old definition of the Senate as "the most exclusive club in the world" was no longer applicable. Within the Senate, he saw two clubs: an inner club and an outer club. The inner club, he said, was "an organization without name or charter, without officers, without a list of membership, without a wholly conscious being at all. . . . At the core of the inner club stand the southerners, who, with rare exceptions automatically assume membership almost without the taking of the oath of office."

According to William S. White, a member of this inner club needed to be "the Senate type," that is, "a man for whom the Institution is a career in itself, a life in itself, and an

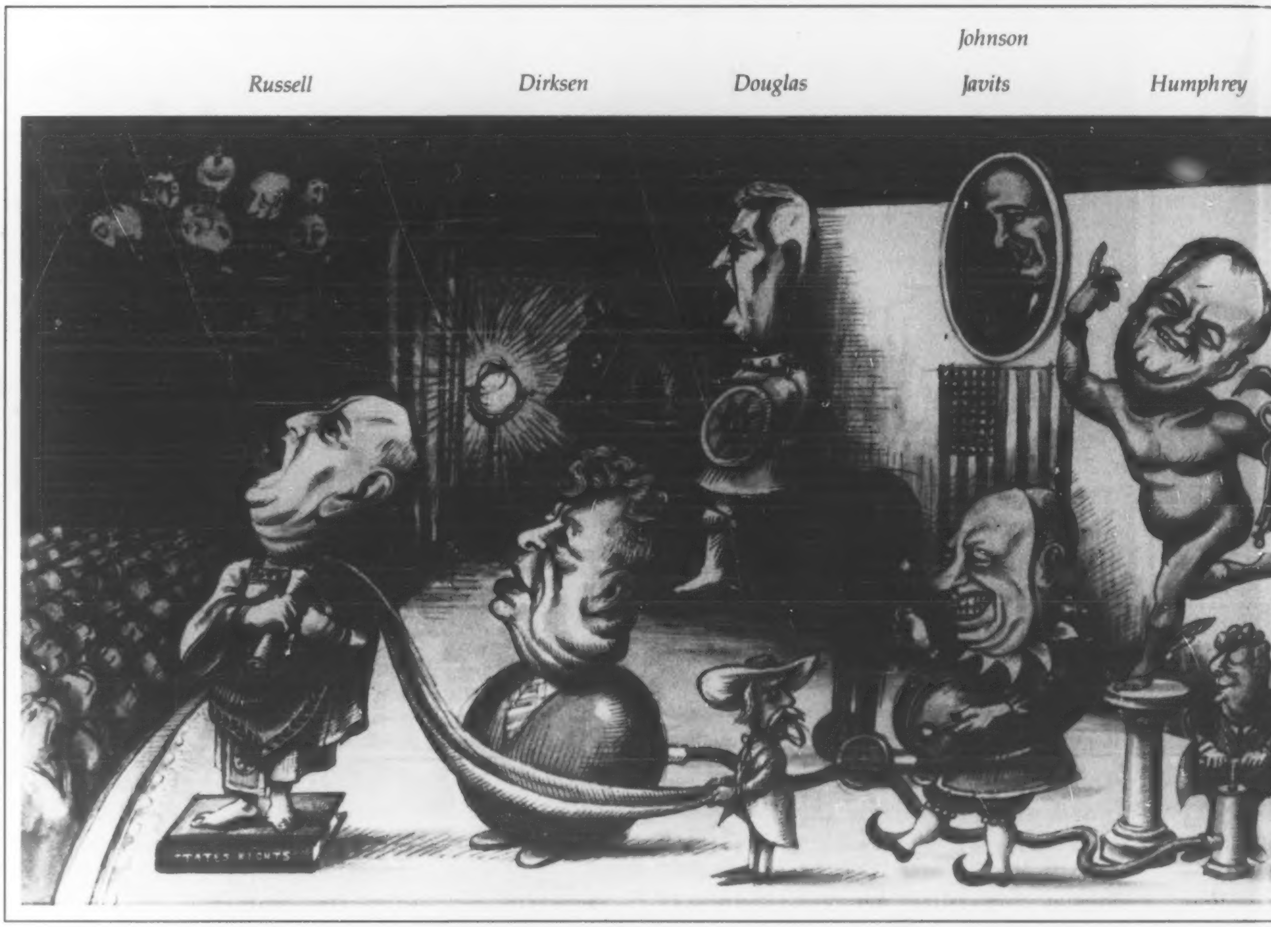
Republican Robert Taft and Democrat Richard Russell personified the Senate's "inner club."

Library of Congress/U.S. Senate Historical Office

end in itself. . . . [W]hen the Senate type thinks of the Presidency he thinks of it as only *another* and not as really a *higher* ambition . . . . The Senate type makes the Institution his home in an almost literal sense, and certainly in a deeply emotional sense. His head swims with its history, its lore and the accounts of past personnel and deeds and purposes. To him, precedent has an almost mystical meaning." One of the keys to the true Senate type, as White defined it, was tolerance—"tolerance toward his fellows, intolerance toward any who would in any real way change the Senate, its customs or its way of life."

The personification of the inner club on the Democratic side of the aisle was Richard Russell of Georgia. On the Republican side, White cited the late Robert Taft. Other leading members of the inner club were Majority Leader Lyndon Johnson and Minority Leader William Knowland. George Aiken, Prescott Bush (our vice president's father), Hubert Humphrey, and Theodore Green were among those whom he identified as "Senate types" and members of the inner club. Carl Hayden could be its president, said White, if it only had officers.

But there were also those who did not qualify for membership in the inner club. These were the rest of the senators, whom White relegated to the outer club. They existed in the "outer life of the Senate, in which all the members are theoretically more or less equal at the time of decision that comes when a roll-call is added up." But the

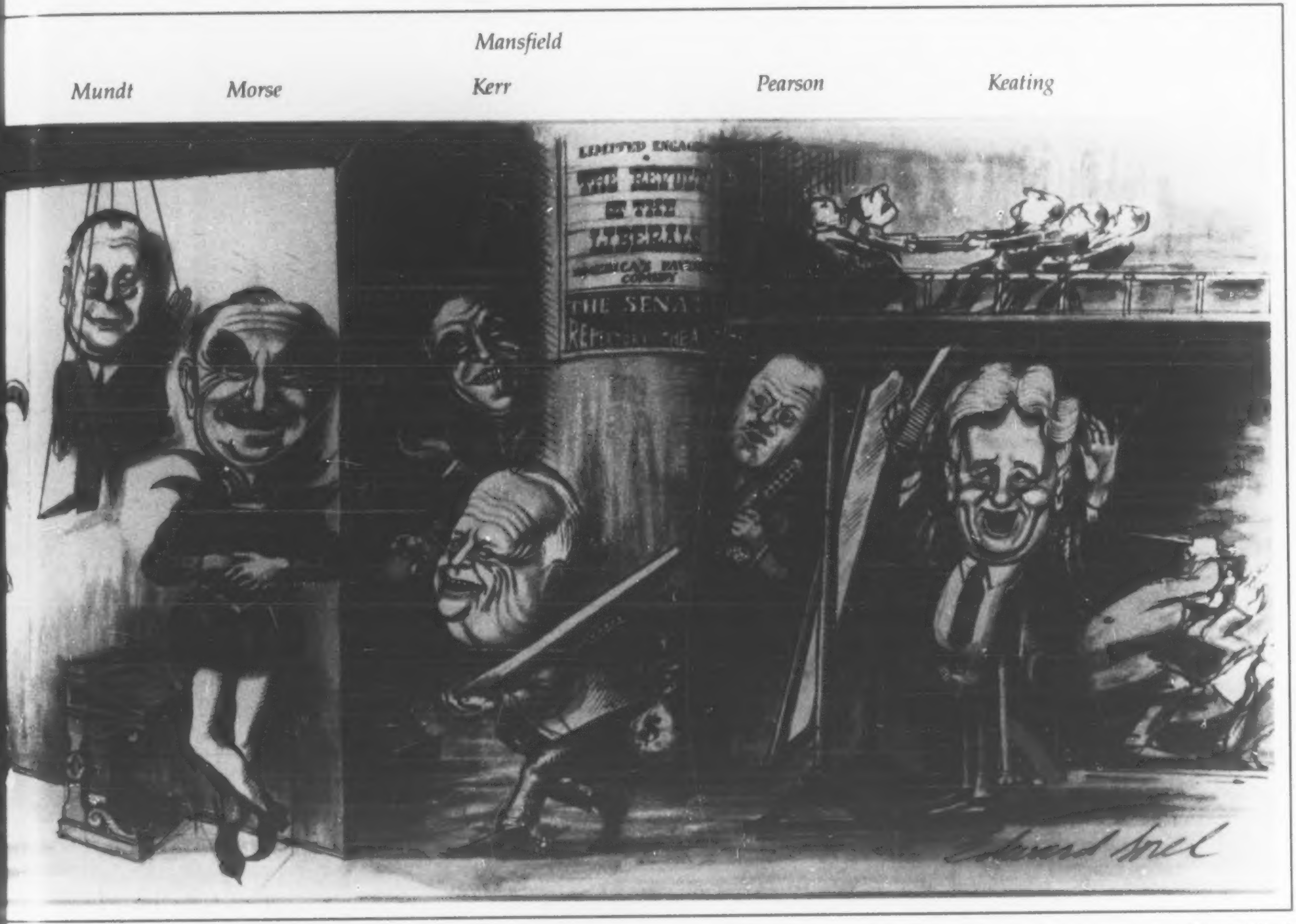


The Senate is depicted as a stage upon which members of the "inner" and "outer" clubs perform their different roles.

leadership came overtly and subtly from the inner club. White compared the cases of two Democratic senators: Herbert Lehman of New York and Hubert Humphrey of Minnesota, both articulate, imaginative, and aggressive liberals; yet, Lehman was decidedly outer club, while Humphrey, through his friendship with Lyndon Johnson, had become part of the inner club. White described the difference:

> I have seen one member, say a Lehman of New York, confined by niggling and almost brutal Senate action to the most literal inhibitions of the least important of all the rules. And again I have seen a vital Senate roll call held off by all sorts of openly dawdling time-killing for hours . . . for the simple purpose of seeing that a delayed aircraft has opportunity to land at Washington Airport so that a motorcycle escort can bring, say, a Humphrey of Minnesota in to be recorded.[3]

Mr. President, William S. White did not use the term *inner club* in a pejorative way, but those who were excluded from the club felt less charitable about it. And, certainly, they placed a negative connotation on the phrase *Senate establishment.* This latter epithet sprang



Edward Sorel

from a series of speeches delivered in the Senate by Joseph S. Clark of Pennsylvania, in February 1963, and later published as a book. The Senate establishment was "almost the antithesis of democracy," commented Senator Clark.

> There are a number of States, most of them Democratic, but one or two of them Republican, which inevitably and always return to the U.S. Senate members of one party, and under a custom which has grown up over the years of following the rule of seniority in making committee assignments, and in connection with the distribution of other perquisites of Senate tenure, the result has been that those who have been here longest have become chairmen of committees, and as such chairmen, have exercised virtual control over the distribution of favors, including committee assignments and other perquisites of office in the Senate, and largely . . . determine who shall be selected to posts of leadership in this body.

The Senate establishment saw to it, in the words of Joseph Clark, that senators operated "under archaic, obsolete rules, customs, manners, procedures and traditions." The majority of Senate Democrats, since the election of 1958, were members of their party's

TEL
SHERATON-PARK HOTEL

Senator Lyndon Johnson retaliated against freshman Senator Edmund Muskie's independence by ignoring his requests for committee assignments.
U.S. Senate Historical Office

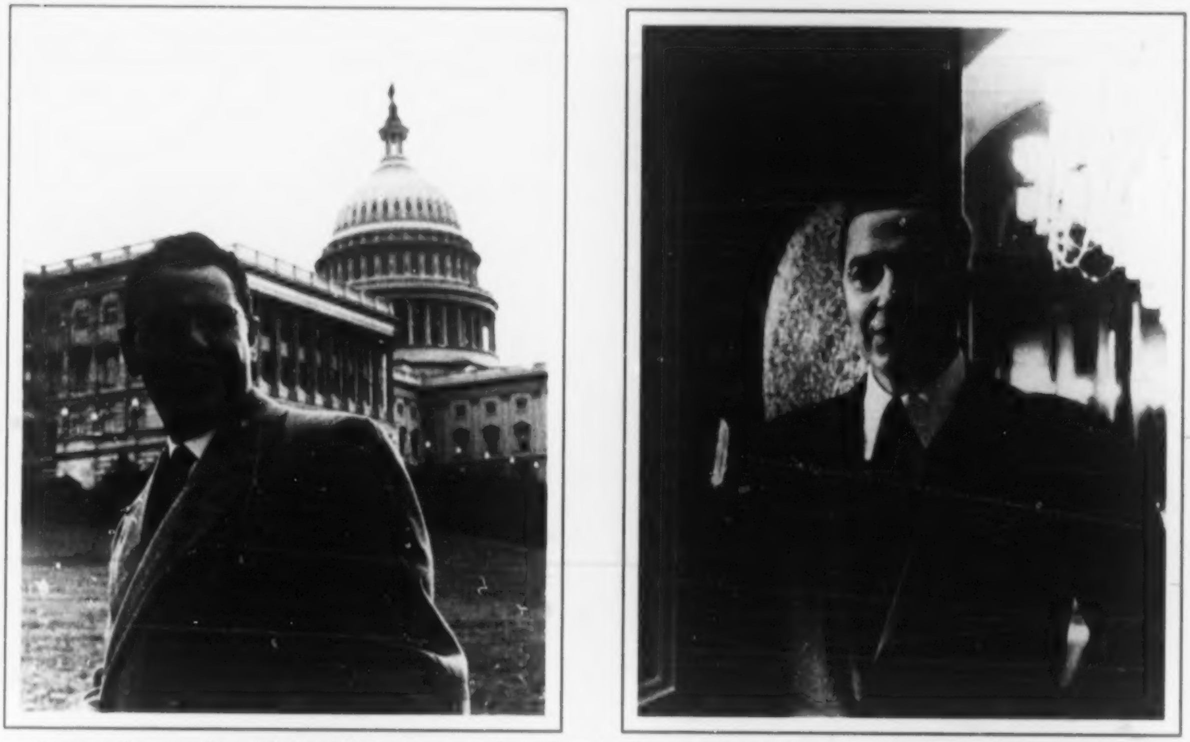
liberal wing, Senator Clark calculated, but the establishment was largely drawn from its conservative minority. Clark pleaded for the Senate to modernize its procedures and to eliminate the "control by a small group of bipartisan Senators . . . who are committed to the status quo, who seem to be committed to sectional rule; who . . . have an unawareness of the modern world and of the dangers confronting us from a resourceful antagonist overseas, whose government is able to act in an instant; an unawareness of the danger that our Government will not be able to act in a crisis because the Senate of the United States has rendered itself, by its ancient, archaic, and absolute rules unable to act when its majority is ready for action." [4]

I think it is clear from these summaries that there is a yawning gap between the senates of William S. White and Joseph Clark. But the Class of 1958's members set out to bridge that gap, to break down the inner club and the Senate establishment, if they couldn't break into them. Liberal senators put new pressure on Majority Leader Lyndon Johnson to carry out their agenda, pushing him into new action on civil rights and demanding reforms in the operations of the caucus and the appointment of members to committees. They became all the more eager for action when their young, dynamic, forward-looking colleague John F. Kennedy was elected to the presidency in 1960 and set out to get the nation moving again.

Whether one belonged to the inner club or to the outer club and whether one felt comfortable or uncomfortable with the Senate establishment was reflected in one's committee assignments. As all new senators realize, their careers in this institution will largely be determined by the committee assignments they receive. Three members of the Class of 1958 drew coveted appointments to the Appropriations Committee: Senators Tom Dodd, Gale McGee, and I. Senators Hartke and McCarthy were appointed to the Finance Committee; Senators Cannon and Engle to Armed Services; and Senators Dodd and Hart to Judiciary. In remarks on the Senate floor in February 1959, Senator McGee pointed to the significant assignments given to the new freshman class and commented that "some of the astute veterans in the Senate assure me that they do not recall when freshmen Senators have received the important committee posts which the group of freshmen Senators have received this year." [5]

Not everyone was so satisfied. For instance, no freshman drew appointment to Foreign Relations, although many had sought that committee. Senator Edmund Muskie, who asked for Foreign Relations, Commerce, and Judiciary, was among those who discovered that the road to committee assignments led straight to Lyndon Johnson. Right after his election, Muskie had gotten some fatherly advice from Majority Leader Johnson. "Don't make up your mind right away on a key issue, even if you are pressured," Johnson told him. "Wait until they get to the *M*'s in the roll call." Muskie took this to heart when, shortly afterward, he found himself being pressured by none other than Lyndon Johnson, who wanted Muskie's vote on an important procedural issue at the opening of the Eighty-sixth Congress. "Well, Senator," Muskie replied, "I think I'll follow your advice and just wait until they get to the *M*'s." But, when the roll was called, Muskie voted against Johnson's position. Johnson retaliated by ignoring Muskie's requests for committee assignments and, instead, placing him on the Banking and Currency, Government Operations, and Public Works committees. It took Ed Muskie another decade before he got on the Foreign Relations Committee. But he took the assignments in stride and made the most of them. It was as chairman of a subcommittee

Many members of the Class of 1958 supported President Johnson's legislative initiatives. Senator Robert C. Byrd received a pen from the president after the signing of the 1965 Appalachian Regional Development Act. *Associated Press*



Among the members of the Class of 1958, *this page and facing page, left to right,* were freshmen Senators Vance Hartke of Indiana, Eugene McCarthy of Minnesota, and Howard Cannon of Nevada.

of the Public Works Committee, for example, that he drafted pioneering environmental legislation for clean air and clean water.[6]

Committee assignments made to these freshmen senators eventually led to chairmanships as they built their seniority. Senator Cannon chaired both the Rules and Commerce committees. Gale McGee chaired the Post Office and Civil Service Committee; Frank Moss chaired the Aeronautics and Space Sciences Committee; Senator Muskie became the first chairman of the Budget Committee; Senator Randolph chaired the Environment and Public Works Committee; and Senator Williams had a long tenure as chairman of the Labor and Human Resources Committee. Others never chaired standing committees but made effective use of their chairmanships of subcommittees and special committees. In addition to Senator Muskie's achievements as chairman of the environmental subcommittee, one thinks of Tom Dodd's efforts to combat juvenile delinquency and Phil Hart's antitrust subcommittee—both of the Judiciary Committee. As early as 1959, Senator Harrison Williams became chairman of the Labor Committee's Special Subcommittee on Migratory Labor, from which position he sponsored legislation for the health and education of migrant farm workers.

Some members of the Class of 1958 aspired to leadership roles within their parties. In 1969, Senator Hugh Scott became Republican whip and, following the death of Everett M. Dirksen, became Republican Minority Leader, a post he held until his retirement in 1977. On the Democratic side, I served as

Library of Congress

Secretary to the Democratic Conference from 1967 until elected Democratic whip in 1971, and then Majority Leader in 1977. Senator Frank Moss succeeded me as Secretary to the Democratic Conference, while Ed Muskie chaired the Legislative Review Committee.

Mr. President, the Class of 1958 was a fortunate one in terms of longevity and seniority. The thirteen Democratic members averaged eighteen years in the Senate, while the three Republicans averaged thirteen years. In their first stand for reelection in 1964, all Democrats in the class won their races with the exception of Senator Clair Engle, who had died that year. That was the election in which President Lyndon Johnson's coattails not only carried back all of the incumbent Democrats but also added a host of new Democrats in the House and Senate, including Robert F. Kennedy, who defeated Kenneth Keating to become a senator from New York. In the 1970 election, Eugene McCarthy and Stephen Young did not stand for reelection, and Tom Dodd was defeated. The rest of the class once again were reelected. Not until the third reelection bid in 1976 did the class ranks thin noticeably. Hugh Scott retired. Philip Hart, suffering from a terminal illness, did not run for reelection and died shortly before his term ended. Vance Hartke, Gale McGee, and Frank Moss all were defeated. Winston Prouty died in 1971. Among those reelected in 1976, Ed Muskie was appointed secretary of state in 1980; Harrison Williams resigned in 1982; and Howard Cannon was defeated in 1982. Jennings Randolph, who had been elected to fill a short term in 1958 and was, therefore, part of another election cycle, retired after 1984. At that time, I became the last member of the Class of 1958 still serving in the Senate.

In their many years of service, the members of the Class of 1958 saw great changes in the Senate. A pivotal presidential election occurred two years after our election. One of our colleagues, John Kennedy, went to the White House, and Lyndon Johnson gave up his post as Majority Leader to become vice president. The pace of the Senate changed dramatically under Johnson's successor, Mike Mansfield, who, for the most part, avoided night sessions and round-the-clock sessions. In fact, by 1961, the Senate had settled down to such a leisurely pace that it frustrated the young president who had promised to get the country moving again. Kennedy's New Frontier legislative program stalled in Congress, despite his party's large majorities in the Senate and House.

During this period, the freshmen members of the Class of 1958 passed through their Senate apprenticeships and into positions of national prominence and influence. In contrast, the so-called Senate establishment lost ground. Professor Michael Foley has recorded that the senior Democrats' "preoccupation with the highly sensitive issues of civil rights, Medicare, aid to education, and so on; the embarrassment of continually losing seats to the liberals; and the departure of Lyndon Johnson all contributed toward the establishment's decline." [7]

Kennedy's death in November 1963 and Lyndon Johnson's ascension to the presidency changed the political climate of Washington. The combination of sympathy for the martyred president and the legislative skills of the new president helped to enact bills long stalled in Congress. And the election of 1964 brought in such an overwhelming number of Democrats that Johnson's entire Great Society program was enacted with breathtaking speed during the Eighty-ninth Congress.

The Class of 1958 earned many of the trophies for legislation passed in this heady period. Howard Cannon, who served on the Commerce Committee during this period, took pride in the twenty major federal consumer laws that were passed in the 1960's, noting that experts had called it "the greatest single period of concentrated consumer activity in the history of the nation." [8] In 1964, Phil Hart of Michigan was assistant floor manager of the Civil Rights Act and, the following year, served as floor manager for the Voting Rights Act. Vance Hartke was one of the principal authors of the Higher Education Act of 1966 and the Adult Education Act of 1967.

Eugene McCarthy chaired the Select Committee on Unemployment, where he helped to raise support for the Youth Conservation Corps and for vocational training and retraining. Ed Muskie sponsored the Clean Air acts of 1963 and 1965, the Water Quality Act of 1965, the Clean Rivers Restoration Act of 1966, and the Housing and Urban Development Act and Model Cities Act of 1966. Jennings Randolph sponsored the Public Works and Economic Development Act of 1965. Harrison Williams shepherded the Mass Transit Act through the Senate in 1964, was a tireless worker for the Elementary and Secondary Education Act of 1965, and helped to enact legislation for federal compensation to miners disabled by black lung disease. Senator Randolph and I also had a leading part in the enactment of black lung legislation. This is just a small sampling of how the Class of 1958 helped to instigate the social legislation of the 1960's.

Of course, the 1960's also saw the war in Vietnam, which divided members of the Class of 1958 just as it divided the nation. All of the members of the class voted for the Gulf of Tonkin Resolution, and I think it safe to say that for most of Lyndon Johnson's term in the White House, the majority of the class supported his initiatives in Vietnam. As the war progressed, however, doubts grew. Among the first to break with the president was Senator Eugene McCarthy. In 1967, McCarthy sat in a hearing of the Senate Foreign Relations Committee listening to Under Secretary of State Nicholas Katzenbach expound an extreme view of the president's constitutional powers as commander in chief. As Carl Marcy, then chief of staff of the committee recalled: "It became clear that Senator McCarthy had *had* it. He stood up and stomped out of the hearing room into the back office." Marcy could see the senator was distraught, so he got up and followed him out. Both Marcy and Pat Holt, another member of the committee staff, recall McCarthy saying: "Someone's got to take them on. And if I have to run for president to do it, I'm going to do it." [9]

Senator McCarthy had become so disenchanted with the Johnson administration's policies that he declared his candidacy for

Philip Hart was best known legislatively for his vigorous support of antitrust legislation and opposition to monopoly. An inspiration to many in the Senate, he took positions on issues guided by conscience rather than personal interest. *Library of Congress*

the Democratic nomination in 1968. Few gave him any chance of success, but, in March 1968, McCarthy had such a strong showing at the polls in New Hampshire that he drove Johnson out of the race. Senator McCarthy has told the story of this remarkable race in his book *The Year of the People.*[10] As we know, McCarthy made a fine race but lost the nomination to his former Senate colleague from Minnesota, Hubert Humphrey. Humphrey, in turn, chose another member of the Class of 1958 as his vice-presidential running mate—and most commentators believed that it was Ed Muskie who came through that election most creditably.

In an election that saw a Republican ticket of Richard Nixon and Spiro Agnew, a third-party ticket of George Wallace and Curtis LeMay, and a beleaguered Democratic ticket of Humphrey and Muskie, Muskie often seemed to be the one cool voice of reason, the one unflappable man.

Those of us in the Senate knew that Senator Muskie possessed a considerable temper, but he usually kept it under control in the most trying circumstances as he was dogged and heckled by antiwar demonstrators during the campaign. One example was his performance in Washington, Pennsylvania. When hecklers threatened to drown his remarks, Senator Muskie invited one of their spokesmen onto the platform and gave him ten minutes to speak. When that quieted things down, Ed Muskie addressed the audience, telling them how his father had fled czarist tyranny in Poland to come to America; had supported his family by working as a tailor; and had seen how his son had been elected governor of his state and later senator. "Now that may not justify the American system to you," said Muskie, "but it sure did to him." He concluded that "there are those of us in this system who have worked for the objectives that I hear you voicing every day. Maybe not as effectively as we might, because of our shortcomings and weaknesses; maybe not in the way you would and that you will when you are given the opportunity. But don't misjudge the basic good will of this American system toward the objective of making it truly a system responsive to the needs and the will and the voice of the two hundred million Americans who make up this society." The previously hostile crowd applauded him vigorously.[11]

It was that tone of reason and responsiveness that won Ed Muskie great respect in the election of 1968 and which helped the Democratic ticket to close the seemingly insurmountable gap with the Republicans from which they had started the race. Although the Humphrey-Muskie ticket lost, it was one of the closest margins in the history of presidential elections. Ed Muskie immediately became the frontrunner for the Democratic nomination in 1972 and might well have received the nomination had it not been for the "dirty tricks" aimed at him by the Nixon adminstration. Revelations of those scurrilous tactics contributed to President Nixon's resignation two years later.

The 1970's saw members of the Class of 1958 in leadership positions within the Senate, using their influence to resist and to shape the policies of the Nixon administration. Having begun their careers challenging the Senate establishment, they now *were* the establishment, because of their seniority and their individual abilities. But times had changed in the Senate. By the 1970's, there was no longer an inner club, and the power of the committee chairmen had been considerably diminished. Reforms had insured more equality among members. Junior senators were not only assured of assignments to powerful committees, but the Democrats among them also received subcommittee chairmanships that immediately tested their mettle. Reforms also granted staff assistance to every member of a committee. The concentration of power, which earlier critics like Joe Clark had decried, was now dispersed, to the detriment, some said, of party leadership and efficiency in the legislative process. Others applauded the new openness of the Senate, and Phil Hart aptly described this new style by saying, "We are all constructively free-wheeling individuals." [12]

Mr. President, when we talk about the Class of 1958's path through the 1970's, it seems most fitting to focus on Philip Hart. Many of our younger staff members today probably have no recollection of him and may wonder for whom the Hart Senate Office Building was named. "Why Hart?" they might ask. In 1976, the Senate named its newest office building after Phil Hart, who was then dying of cancer. By then, he had earned the title of the "conscience of the Senate." He was a leader in enacting major civil rights legislation. He sponsored truth-in-lending and truth-in-packaging legislation. He fought against the oil import quota system. He fought against the antiballistic missile system. He led a movement to liberalize the Senate's rules. He sponsored the Comprehensive Correctional Training and Employment Act to provide educational and training facilities for prisoners. He took many of his positions despite their unpopularity in his own state. He helped tighten the nation's handgun control laws, although he represented a state with a large population of hunters and gun owners. He fought the auto industry on antitrust matters, even though it was the predominant industry in his home state of Michigan.

It was as chairman of the Antitrust and Monopoly Subcommittee that Phil Hart did his best work and received the most attention. Senator Hart advocated a system of vigorous and independent competitive enterprise and resisted with all his might the trend toward corporate conglomerations, which he believed would stifle American business creativity and responsiveness to consumers. He championed medium-sized and small businesses and introduced legislation to break up monopoly power in the United States. He did not advocate a nation of small shopkeepers and back-yard manufacturers but argued against concentrating our manufacturing assets in a handful of giant corporations. "If we are going to rely on competition to give the consumer good value, then competition must be encouraged. But it cannot flourish if the number of competitors is constantly diminished," he warned.[13]

When Philip Hart died in 1976, at the age of 64, someone captured his spirit this way:

The Conscience of the Senate
Served for 18 years;
Decided against a fourth term:
"No person is irreplaceable,"
Died in December
Philip A. Hart.

Few knew why the A;
Somehow it sounded right
And was almost always there.
Some say for Aloysius
But I say America,
Philip America Hart.

Grew a beard in '71
A promise to his kids,
The only one in a hundred
And he wore it well.
A for Allright
Philip Allright Hart.

Didn't care for IBM
Or any other Giant.
"Too much power with too few
Endangers the public interest."
A for Antitrust
Philip Antitrust Hart.

Pushed to tighten gun control
Though he hailed from a hunting state.
Fought the Detroit auto industry
Though it threatened reelection.
A for Antagonist
Philip Antagonist Hart.

The friend of American consumers,
The advocate of civil rights,
Left a legacy of humanity;
Integrity is his monument.
A for Amen
Philip Hart—Amen.[14]

Amen also to the Class of 1958! They shared their tragedies, including the untimely deaths of Clair Engle and Phil Hart, and the unsuccessful presidential bids of Eugene McCarthy and Ed Muskie. But, individually and collectively, they left their mark on this institution and on the nation. Elected during the Eisenhower administration, they tackled some of the greatest foreign and domestic problems ever to face the nation and played critical roles in enacting the Great Society programs and ending the war in Vietnam. Today, they have all left the Senate, save one. It is my honor to pay tribute to them with these remarks. History will remember the Class of 1958.

CHAPTER 35

Everett Dirksen's Senate 1959–1969

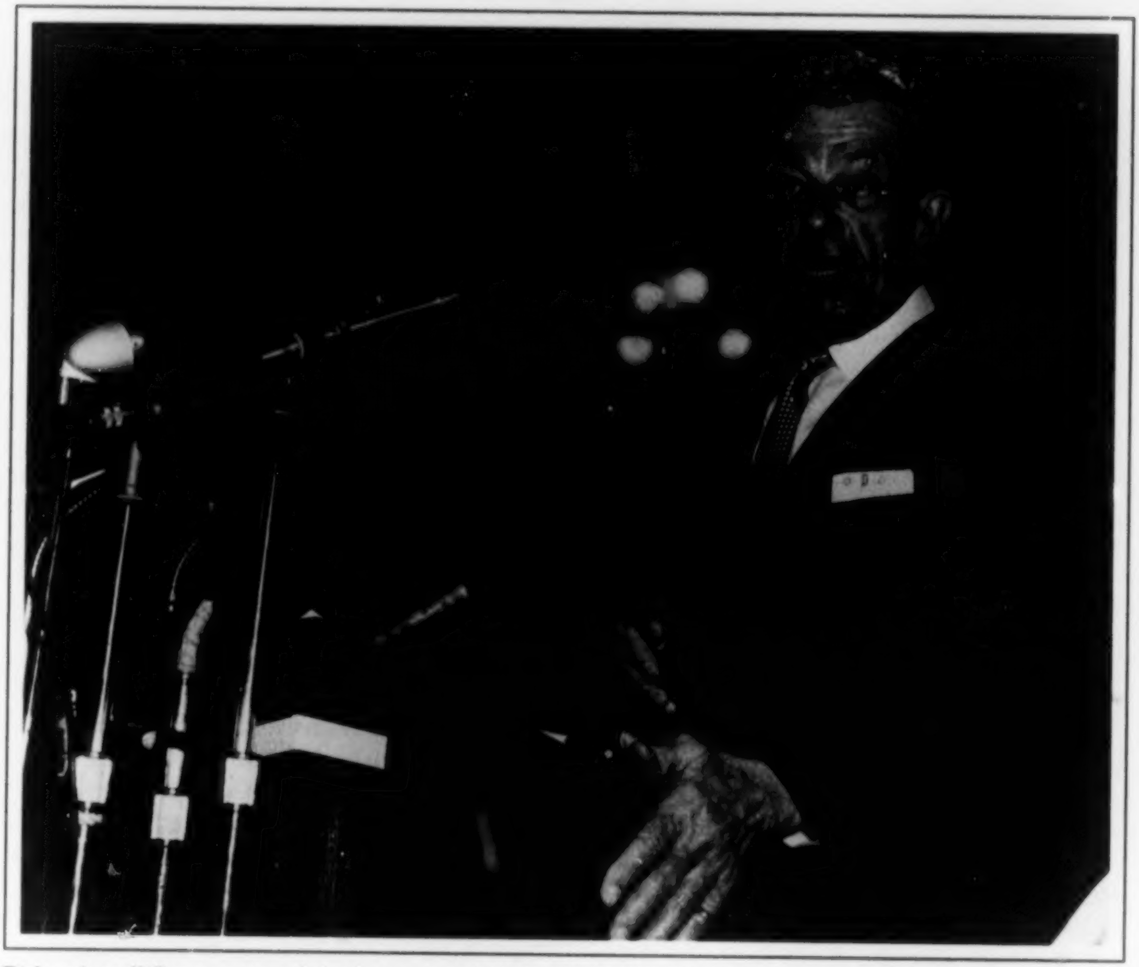
October 10, 1986

Mr. President, the poet Carl Sandburg once described the Rotunda of the United States Capitol as being located "midway between the House and Senate chambers, midway between those seats and aisles of heartbreak and passion." Beginning with the visit of the Marquis de Lafayette in 1824, the Rotunda has served as a place in which we as a nation pay tribute to our heroes. Senator Henry Clay, in 1852, became the first person to lie in state there. He was followed in 1865 by Abraham Lincoln. Since Lincoln's time, eight presidents—from James Garfield to Lyndon Johnson—have lain in state on that hallowed site. Among the nearly eighteen hundred men and women whose highest public office has been the Senate of the United States, only six have been so honored. In addition to Henry Clay, they include Charles Sumner, John Logan, Robert Taft, Hubert Humphrey, and the senator who is the subject of my remarks today—Everett McKinley Dirksen.

In my previous addresses on the history of the Senate, I have given special attention to those senators who have, in their own way and in their own eras, virtually personified this institution in the eyes of the American public. For the twentieth century, those individuals have included party leaders such as Joe Robinson, Alben Barkley, Lyndon Johnson, and Mike Mansfield, on the Democratic side of the aisle. On the Republican side, I have discussed Nelson Aldrich, Henry Cabot Lodge, Sr., Charles Curtis, Arthur Vandenberg, and Robert A. Taft, Sr., among others.

Everett Dirksen, like Robert Taft before him, was widely referred to as Mr. Republican. Each in his time could also have been called Mr. Senate. During his eleven years as his party's Senate leader, from 1959 to 1969 inclusive, Dirksen became more closely identified in the public mind with the Senate than did any other member of that era. It is safe to say that today he is among the most remembered former senators of this century.

Everett Dirksen was a creative political craftsman. He possessed a razor-sharp mind and a masterful sense of timing. He adopted a sometimes clowning but always theatrical style, partly to mask his intentions and partly for the pure fun of it. Such was the case in his perennial campaign to make the marigold the national flower. He gave ex-



Dirksen's mellifluous oratory led admirers to label him the Golden Voice of the Senate. He learned to size up an audience quickly and to use humor and appropriate anecdotes to great effect. *U.S. Senate Historical Office*

pression to his wide knowledge of the world's great literature, including the Bible and Shakespeare, with a voice that he played like a cathedral organ. As to the organ metaphor, one reporter observed, "He could draw out the stops and declaim like a thundering prophet. And in the next breath his voice could drop to the softest whisper and he would let his audience hang on his every word." [1] Dirksen's mellifluous oratory moved his admirers to label him the Golden Voice of the Senate. His detractors less charitably offered Old Honey Tonsils, the Wizard of Ooze, Oleaginous Ev, and Irksome Dirksen.

Everett McKinley Dirksen was born on January 4, 1896, in the small farming town of Pekin, Illinois. His parents came to the United States from northern Germany in the 1870's. His father, a modestly prosperous painter and decorator, was a staunch member of the Republican party. In 1894, he named his eldest son after the then most recent former Republican president, Benjamin Harrison. When twin sons arrived two years later, he gave to one the name of Republican House Speaker Thomas B. Reed. The other, Everett, took a middle name in honor of Republican presidential candidate William McKinley. Sadly, the elder Dirksen suffered a paralyzing stroke when Everett was only five and died fours years later.

Under these trying circumstances, Everett and his brothers had to work doubly hard to help the family survive. His mother cultivated within him a deep religious faith. The voice training he received in his church choir built the oratorical power that served him so well in later years. He became an avid reader and a resourceful debater. While a high school senior, he met Secretary of State William Jennings Bryan. The three-time Democratic presidential candidate, whose electrifying 1896 "Cross of Gold" speech had made him the nation's best-known orator, counseled Dirksen, "Always speak to the back rows, my boy, and the rest will be sure to hear you." In the years ahead, Dirksen would work hard to develop a booming outdoor voice. He learned to size up an audience quickly and to use humor and appropriate anecdotes to great effect.[2]

Upon graduation from high school, Dirksen worked for a year at a local corn refining company and then entered the University of Minnesota, supporting himself with a variety of part-time jobs. The 1916 presidential campaign of Charles Evans Hughes nourished Dirksen's love of politics and drew him into the public arena as a campaign organizer and speechmaker. In April 1917, when the United States entered World War I, Dirksen set aside the college life and enlisted in the army. Early in 1918, he was shipped to France where he earned a commission as an artillery officer. Assigned to a company of spotter balloons, the young lieutenant survived enemy gunfire directed at his balloon perch more than a half-mile above the ground.

At war's end, Dirksen traveled throughout Europe and then returned to Pekin. Abandoning his college studies, he eventually joined his brothers in running a wholesale bakery. The long hours failed to sap Dirksen's limitless energy. During those years, he directed his creativity toward writing and the theater. He wrote five novels as well as dozens of short stories and plays. His writing experience proved useful. As journalist Neil MacNeil has observed in his excellent biography, Dirksen was "learning how to handle language, how to create effects with words, how to manipulate the audience." [3]

In 1926, at the age of thirty, Dirksen entered elective politics, winning a seat on the Pekin town commission. As an active and visible member of the American Legion, he became a popular public speaker. By 1930, Dirksen felt he was ready to achieve his greatest political goal, a seat in the U.S. House of Representatives. Later, he observed: "The ambition to sit in Congress is probably similar to the 'flu'—everybody gets it at some time or another. While it had been lurking in my system like some deadly virus, it did not become virulent until 1930." [4] Although he lost that year's Republican primary to a well-funded and entrenched incumbent, he defeated the same opponent two years later.

As Dirksen prepared for the 1932 general election, he realized that he would need considerable Democratic support. "How," he thought, "could one successfully apologize for Republican leadership when the nation was bleeding from the wounds of the depression?" Shrewdly, Dirksen avoided a partisan approach and carefully identifed himself with the legacy of Democratic President Woodrow Wilson. When President Hoover made a campaign appearance in nearby

Everett Dirksen struck a somber pose following the start of his House service in 1933.

Library of Congress

Peoria, Dirksen realized that if he praised the unpopular chief executive, his own election chances would be doomed. Appearing on the same platform, Dirksen, in his address, ignored the president and focused, instead, on George Washington, whose bicentennial the nation was then celebrating. In November, both Republican Everett Dirksen and Democrat Franklin Roosevelt carried his district with comparable huge majorities.

When Dirksen began his House service in March 1933, depression-weary voters had reduced his party in that chamber to a hopeless minority. Democrats outnumbered Republicans by a margin of 310 to 117. Over the next four years, Republican ranks would suffer an even greater erosion as their numbers dropped to 103 in 1935 and to 89 in 1937. With his customary wit, Dirksen observed: "Any member of the minority who essays to speak on any administration measure must feel a great deal like the fellow who was in jail and who, as he saw a buddy going along, called and said, 'Hey, partner, what time is it?' He said, 'What do you care? You are not going anywhere!' So", Dirksen concluded, "we of the minority know we are not going anywhere." [5] Nonetheless, Dirksen intended to be an active and constructive member. He boldly requested committee assignments on the powerful Appropriations, Ways and Means, and Commerce panels. Party leaders rebuked this upstart with assignments to the committees on Territories, Immigration, and the District of Columbia! Only in 1937, with fewer members to fill Republican committee slots, did Dirksen finally land a choice assignment on the Appropriations Committee.

Everett Dirksen soon associated himself with the moderate political views and the pragmatic style of Massachusetts' Joseph Martin, an assistant Minority Leader. Martin counseled his protégé: "Perfect yourself in committee work, and in due course you'll start up the ladder. Study the rules. Those who know the rules know how to operate in the House, because you operate under the rules." [6] Dirksen took this advice seriously. He spent countless hours reading the House rule book and the multivolume edition of Asher Hinds' *Precedents of the House of Representatives.* With the same diligence, Dirksen took an intensive course in preparation for the bar examination, which he passed in 1936. Although he had no intention of practicing law, he welcomed the prestige among his House peers that membership in the bar offered.

During his early years in the House, Dirksen displayed an independence that irritated

Old Guard party leaders. He supported some domestic New Deal programs such as the Agricultural Adjustment Act and the Social Security Act, while opposing the Tennessee Valley Authority and the Securities and Exchange Act. In foreign policy, he executed a dramatic and courageous shift in September 1941. Just months before the attack on Pearl Harbor, Dirksen reversed his isolationist opposition to the draft and aid to Great Britain in favor of a strong internationalism. He remained a vigorous and effective exponent of these views, unpopular with many midwestern Republicans, until he left the House seven years later.

In 1943, *Fortune* magazine selected Everett Dirksen as the subject for a major article entitled "Congressman: A Case History—A Report on How Congress Works and How It Might be Made to Work Better." Late in the previous year, Dirksen had launched an attack on Congress' increasing inability to operate on a level of equality with the Roosevelt White House. Lacking sufficient funding and staff resources, Congress was becoming a decidedly secondary institution within the federal government. *Fortune*'s reporter saw in the Illinois representative an example of a "quick-learning, quick-thinking, quick-acting" member who "has found that he can get through his work only by taking almost no time out from it except for sleep." [7] Dirksen contributed greatly to the success of the resulting landmark congressional reform measure, of which I have spoken on numerous occasions, the 1946 Legislative Reorganization Act.

By the end of World War II, Dirksen had risen to a prominent position within the national Republican party. In 1944, he conducted a brief campaign for the presidency in the hope of securing a vice-presidential bid. An August 1946 poll of House members by *Pageant* magazine rated Dirksen as that body's most effective speaker and its second "ablest member." [8] When the Republicans took control of the House of Representatives in 1947, for the first time in sixteen years, Dirksen became chairman of the District of Columbia Committee and the agriculture appropriations subcommittee.

Just as Everett Dirksen seemed to be reaching the highest rungs of the political ladder, illness struck. Late in 1947, he experienced a clouding in the vision of his right eye. Doctors advised him that he was suffering a degeneration of the retina, possibly caused by cancer. They recommended removal, but, after "weeping and praying," he decided against it. The eye required extensive rest; so, in January 1948, the Illinois representative announced his intention to retire at year's end.

As a member of this body, I can remember Everett Dirksen's speaking of that eye which he had been told by the doctors was going blind. I can remember how he spoke of his concerns and worries and his prayers.

Fortunately for Dirksen, his vision returned to normal within several months. Restored and restless, he decided to achieve a new goal—a seat in the United States Senate. Over the next twenty-one months, he traveled a quarter of a million miles and delivered two thousand speeches in a vigorous campaign against Senate Majority Leader Scott Lucas, an Illinois Democrat. Although Lucas had the benefit of his senior status within the Democratic party, his duties as Majority Leader kept him in Washington while Dirksen visited virtually every crossroads hamlet in Illinois. Lucas' Democratic Senate colleague Estes Kefauver only made things worse when he decided that his investigating committee should look into an emerging political scandal involving associates of the Illinois senator. When a Chicago newspaper obtained and published secret committee testimony days before the election, Lucas' already shaky reelection chances were doomed. Everett Dirksen swept to victory and won immediate national prominence as the man who defeated the Senate's Majority Leader.[9]

The Senate that Everett Dirksen joined in January 1951 was ideally suited to his newly found conservative political views. In 1949, he had experienced a change of heart and a disaffection from the Republican party's internationalist wing. No longer a supporter of such ventures as the Marshall Plan, he moved comfortably into the orbit of Senate party chieftain Robert Taft. In an unusual gesture of confidence toward a freshman senator, Taft appointed Dirksen chairman of the Republican Senatorial Campaign Committee.

Then, during the summer of Dirksen's first year in the Senate, his daughter Joy, his beloved only child, arrived at the family's summer cottage with a young lawyer whom she had been dating. That lawyer, Howard Baker, Jr., asked the senator to take a walk with him along the beach. As Neil MacNeil tells the story, Baker explained that he and Joy wished to get married. "I didn't ask him," Baker said. "I told him!" Baker later told MacNeil: "He was the most formidable character I'd ever met. He was pretty deeply moved. I'm sure he knew. He listened. He listened, and I ran out of things to say." [10] It is just like Howard Baker to say that. Happily, that marriage took place. Joy Dirksen Baker, in addition to her own accomplishments, would one day secure a unique distinction in the annals of Senate history as the daughter and the wife of Republican floor leaders.

Dirksen worked hard for Robert Taft's nomination during the 1952 presidential campaign. His party's eastern internationalist bloc, whose members advocated Dwight Eisenhower's election, bitterly opposed the Taft forces. At the Republican Convention, Dirksen delivered the most dramatic and highly publicized speech of his entire life, in a last ditch effort to secure the nomination for Taft. Before a national television audience, Dirksen berated the liberal wing of his party for its habit of winning conventions and losing elections. He reminded his listeners that he had campaigned vigorously for internationalist Thomas Dewey in 1944 and 1948. He then glowered down from the podium at Dewey. In a moment of high drama, he shook his finger at the former party standard-bearer. "We followed you before," Dirksen cried out, "and you took us down the path to defeat!"

I can just see him, with his unruly hair, speaking with all the force within that great body and with that great voice. I have never heard a voice before or since like Dirksen's. In my thirty-four years in the House and Senate of the United States, plus six years in both Houses of the West Virginia legislature, the two members whom I recall as being the most captivating speakers were Martin Dies of Texas and Everett Dirksen of Illinois.

The convention exploded in anger and turmoil, but the Eisenhower delegates gained control and carried the nomination, thus crushing Dirksen's hopes for a vice-presidential place on the Taft ticket.[11]

For the remainder of the 1952 campaign, Dirksen worked hard for the election of Republican candidates to the Senate. His effort, and Eisenhower's coattails, paid off in November. Republicans regained control of the Senate by a slim 48 to 47 margin with Oregon's Wayne Morse, a newly declared Independent, voting with the Republicans on organizational matters. Although the Democrats resumed control two years later, the Senate during the 1950's, prior to 1959, operated with nearly even party ratios. I have already described those years in previous addresses in this series. I shall not repeat the familiar story here, except to note that Dirksen underwent a shift of political orientation

In 1957, Dirksen replaced Leverett Saltonstall, *right*, as Senate Republican whip. *U.S. Senate Historical Office*

in 1955 reminiscent of his 1950 shift away from his party's internationalist wing. The years 1953 and 1954 marked a decidedly unhappy chapter in Dirksen's public career. His support of Joseph McCarthy and of the Bricker amendment to limit the president's treaty powers deepened his estrangement from the Eisenhower White House.

In 1955, Everett Dirksen began to mend fences with the Eisenhower administration. The following year, he led a campaign to enact the administration's civil rights bill. Throughout 1956, Dirksen supported the president, frequently at the risk of his standing with his party's conservative Senate hierarchy. Eisenhower repaid this kindness by actively supporting Dirksen's reelection bid. On election day, the president carried Illinois by a landslide and contributed significantly to Dirksen's own victory.

At the start of the Senate's 1957 session, the departure of key Republican conservatives opened several party leadership posts. Republican Leader William Knowland had made up his mind to leave the Senate in 1958 to run for governor of California. He and the Policy Committee chairman, Styles Bridges, feared that the Republican whip, Leverett Saltonstall, a prominent member of the party's liberal-internationalist bloc, would advance to the floor leader's position in 1959. Consequently, they convinced Saltonstall, who was unaware of Knowland's plans, to give up the whip's post to become chairman of the Republican Conference. This opened the whip position for Dirksen, who enjoyed the trust of his conservative and moderate Republican colleagues.

The election of 1958, as I have previously described, brought to the Senate new faces—my own, being one—and new methods of operation. In 1959, as Democrats outnumbered Republicans by a margin of nearly two to one, Everett Dirksen was elected Minority Leader. In the previous Congress, he had served as acting floor leader during Knowland's frequent absences. In so doing, he developed a particularly close relationship with Eisenhower, who was happy to be freed of the maladroit and cumbersome Knowland.

William Knowland, as Republican Leader, had alienated, rather than drawn together, his party's antagonistic factions. With Dirksen likely to move up to that post, party liberals in 1958 had proposed a modification in the system of committee assignments. That system had worked well for the Democrats since 1953 when Democratic Leader Lyndon Johnson devised it to allow junior members their choice of one major committee assignment before senior senators could make their second selection. Republican Senators Jacob Javits and George Aiken convinced Dirksen that such a system would help to restore cohesion for their party as well. The catastrophic election results for the Republicans in November 1958 allowed Dirksen to implement this plan with relative ease. Having

Everett Dirksen and Lyndon Johnson, as their parties' Senate leaders during 1959 and 1960, became warm friends. Here, President Johnson meets with Senate Leader Dirksen in the late 1960's. *U.S. Senate Historical Office*

lost thirteen seats, the Senate's Republican contingent included only thirty-four members at the start of the 1959 session. With these greatly reduced numbers, it would be less difficult to find attractive assignments.

As the session began, Dirksen faced a threatened split between his party's reduced conservative ranks and its increasingly emboldened moderate-liberal wing. With party elder Styles Bridges, he agreed to support California's Thomas Kuchel of the liberal faction for the post of minority whip. Along with President Eisenhower's obvious support for Dirksen, this allowed him to turn back a challenge by Kentucky's John Sherman Cooper. He further strengthened his hold on the allegiance of junior Senate Republicans by yielding his own cherished seat on the Appropriations Committee to open a place for Colorado Republican Gordon Allott. Two years later, he gave up another of his prized assignments to allow Texas' John Tower a seat on the Labor and Public Welfare Committee.

By the time Everett Dirksen settled into his duties as Republican Leader, he had undergone a political and personal reorientation. He abandoned his aspirations for the presidency and channeled his ambition along a new course within the Senate. Instead of seeing the Senate as a path to higher office, he had come to view the Senate as an end in itself. Neil MacNeil has aptly characterized the transformation:

> This is a mystic phenomenon that in time shapes the understanding of some senators, but not of all senators, by any means. Those who are struck by the mystique of the Senate come to believe that service in the Senate is an ennobling experience, and that service *to* the Senate is a calling worthy of selfless devotion. Those who sense the Senate in this wise traditionally have been men who have found in the Senate the summit of their own political careers, and Dirksen was now becoming one of them. He was beginning to find meaning in the office of senator that he had not found before, and to take his place with such Senate stalwarts as Richard Russell of Georgia and John Stennis of Mississippi. They believed in the Senate with a reverence that approached religious intensity.[12]

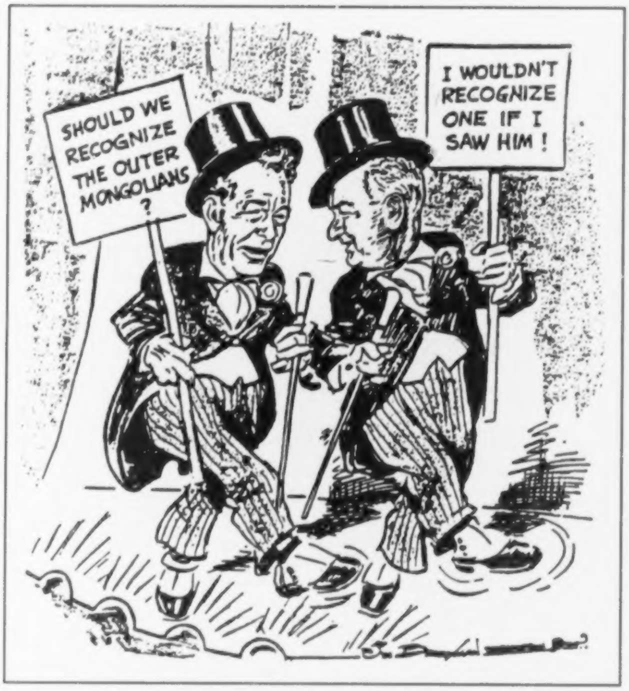
Dirksen adopted an activist leadership style. An artful persuader, he worked tirelessly to unite his party and to boost its morale in the face of the two-to-one Democratic majority. New Hampshire Republican Norris Cotton considered Dirksen a gifted political leader. He believed that the Illinois senator "was endowed by nature with more talents than almost any man I have ever known." [13] Dirksen hosted luncheons for party members on Mondays following the weekly Republican leaders' meeting at the White House. He arranged cocktail parties and formal dinners for Republican senators and their spouses. Unlike his predecessors, Dirksen went out of his way to cultivate the press, supplying reporters with reliable background information. He also instituted weekly news conferences following the Monday luncheons. The *New York Times* suspended its earlier disdain for Dirksen, noting that "it began to occur to everyone . . . that he was probably the most effective leader the Republicans had had in the Senate for years."

Everett Dirksen and Lyndon Johnson, as their parties' leaders during the 1959 and 1960 sessions, became warm personal friends. They trusted each other completely. Each man realized that the other had a necessary political role to play. But both went out of their way to keep channels of communication open. After the Senate completed its work for the day, one leader would customarily head for the other's private Capitol office for drinks and relaxed conversation. At the end of the 1959 session, Johnson wrote to his Republican counterpart: "Of the leaders with whom I have served, there have been none who can wield the partisan stiletto with quite the gusto and zest that you do. But even though the stiletto cuts deep, it never stings." [14]

Dirksen explained this relationship as follows: "The Senate is a public institution; it must work; it's a two-way street; and that requires the efforts of both parties. One party can not do it on its own because if the opposition, or minority party, wanted to be completely obstructionist you could tie up the Senate in a minute, even with a handful of people. So we fully understood each other, that's how it had to be." [15]

The election of 1960 greatly reshaped Dirksen's Senate role. For his first two years as floor leader, he had acted as Eisenhower's faithful lieutenant. Now, with the White House in John Kennedy's Democratic hands, the Illinois senator took on a more assertive and independent position. With House Republican Leader Charles Halleck, Dirksen became his party's principal Washington spokesman. In international affairs, he supported the Kennedy administration. This was particularly evident during the 1961 Bay of Pigs fiasco and the Cuban missile crisis that followed a year later. On domestic policy matters, however, Dirksen worked to block or reshape much of the new president's ambitious New Frontier program. He observed that the 1962 State of the Union address looked "like a Sears Roebuck catalog with all the old prices marked up." [16]

By 1962, his weekly press conferences with Representative Halleck—the "Ev and Charlie Show"—had made Dirksen a nation-


SHOULD WE RECOGNIZE THE OUTER MONGOLIANS ?
I WOULDN'T RECOGNIZE ONE IF I SAW HIM !

"The Ev and Charlie Show Goes High Hat," by cartoonist James Berryman, July 15, 1961.
Martin Luther King Library

al celebrity. Increasingly, the public associated his stylized oratory with the very institution that served as his platform. *Time* magazine captured the Dirksen manner:

> He speaks and the words emerge in a soft, sepulchral baritone. They undulate in measured phrases, expire in breathless wisps. He fills his lungs and blows word-rings like smoke. The sentences curl upward. They chase each other around the room in dreamy images of Steamboat Gothic. Now he conjures moods of mirth, now of sorrow. He rolls his bright blue eyes heavenward. In funereal tones, he paraphrases the Bible . . . and church bells peal. "Motherhood," he whispers, and grown men weep. "The Flag!" he bugles, and everybody salutes.[17]

Some close observers of the Senate in the mid-1960's contend that Dirksen was its single most powerful member. I believe that, Mr. President. I served in the Senate at that time and I think that I would join my voice with those who say, and who said, that he was the single most powerful member. That debate remains to be settled, but the reasons advanced by its proponents are worth examining. They argue that traditional power alignments were disrupted by the low-key, nondirective style of Mike Mansfield. They point to the rise of a new liberal-moderate coalition from northern and midwestern states that undercut the power base of the previously dominant conservative coalition from the South and West. The death of Oklahoma's Robert Kerr, the man Paul Douglas of Illinois derisively called the Uncrowned King of the Senate, removed a strong, and some say ruthless, contender for power within this body.

In his 1962 campaign, Everett Dirksen recognized that the White House and the Senate's Democratic leadership quietly hoped he would be reelected. As Senator Paul Douglas later observed, the Democrats "apparently wanted to appease, rather than oppose." Earlier that year, Douglas had tried to find a credible Democratic candidate to challenge the seemingly invincible Republican Leader. Among those to whom Douglas turned was a young state legislator named Paul Simon, who now sits over to my left in this chamber, whom Douglas considered "brilliant and honorable." Simon wisely decided to wait, and Dirksen defeated Representative Sidney Yates.[18]

Everett Dirksen moved into the relative power vacuum that existed in the Senate of the early 1960's with a healthy appreciation for the Senate's tradition of unlimited debate. During Dirksen's years as floor leader, until 1969, there were never more than thirty-six Republicans in the Senate. Not surprisingly, he resisted efforts to reduce the number of votes required to cut off debate. He declared: "If I read my history correctly, past and present, whenever the freedom of a parliamentary body is impaired,

Dirksen, *left*, joined congressional leaders at the White House for the signing of the 1964 Civil Rights Act.
George Tames/The New York Times

we go down the road to tyranny. Show me any place in the world where a parliamentary body and its freedoms are impaired, and I will show an instance of freedom in retreat." [19]

Mr. President, one of Everett Dirksen's greatest assets as a statesman was his ability to change his position on major issues. He did not compromise his convictions, but he could change his position on the issues as the shifting sands of facts changed. Some critics dismissed this characteristic as a sign of political opportunism, calling him Mr. Flip Flop and the Grand Old Chameleon. Those of us who viewed the man at closer range during his Senate years recognized the more positive qualities of courage and political sagacity. In my earlier addresses on the Senate of the 1960's, I have discussed the two issues in which Dirksen's shift from opposition to support accomplished the passage of major legislation.

I shall only mention here the 1963 Limited Nuclear Test Ban Treaty and the 1964 Civil Rights Act. For his support of the test ban treaty, Dirksen extracted a promise from President Kennedy that the government would not slacken its weapons development program after the treaty was approved. For the civil rights legislation, he masterfully maneuvered to provide the votes necessary to end a civil rights filibuster for the first time in the Senate's history. Before that vote, he told a hushed chamber: "The time has come for equality in sharing in government and education, and in employment. It will not be stayed or denied. It is here." When the Senate approved the cloture motion on

June 10, 1964, Dirksen stood at the pinnacle of his political power in this body.

For the remainder of his time in the Senate, Dirksen continued as an effective and responsible leader of his party's minority. On the domestic front, Dirksen pressed with equal vigor for constitutional amendments to overturn Supreme Court rulings on prayer in public schools and upholding apportionment within state legislatures on the basis of equal representation. Against heavy labor lobbying, he also took on a spirited defense of the Taft-Hartley Act's Section 14(b), which banned union shops. On a major foreign policy issue, however, he actively supported Lyndon Johnson's conduct of the war in Vietnam. He saw that struggle as a clear-cut matter of defending the right of self-determination for the South Vietnamese. Ultimately, his determined support of the president cost him a large measure of influence over Senate Republicans.

By 1967, time and health problems began to catch up with Everett Dirksen. In the late 1950's, he had suffered a heart attack without knowing it. An enlarged and weakened heart caused him great physical distress over the final decade of his life. A fairly large man with seemingly unlimited energy, Dirksen drove himself at an ever-increasing pace. His legislative prowess and his inimitable style kept him constantly within the spotlight of national attention. He received hundreds of speaking invitations each month. His record album *Gallant Men* intensified his public appeal. In 1968, he starred as the grand marshal in the Tournament of Roses parade. In an effort to regain a measure of privacy, he ordered the sign bearing his name removed from the door of his Capitol office, hoping thus to discourage swarms of tourists who regularly wandered in.

For a time, the Senate Republican Leader frequently checked in and out of Walter Reed Army Hospital, suffering from acute exhaustion as well as emphysema and stomach disorders. In 1967, he said: "I've been trying for four years to get a vacation. If I don't get one pretty soon, something is going to happen to me." [20] Shortly afterwards, he was admitted to the hospital with infectious pneumonia so severe that it nearly killed him. At that point, he relied increasingly on trusted aides such as John and Glee Gomien and Oliver Dompierre to lighten his heavy burdens.

On August 19, 1969, the seventy-three-year-old senator once again checked into Walter Reed Hospital. There, doctors discovered an enlargement of a previously identified tumor on his right lung. Bravely, Dirksen underwent surgery, realizing his chances for survival were at best limited. While recovering, on September 7, 1969, he suffered a fatal heart attack.

Speaking at his memorial service at the Capitol Rotunda two days later, Senator Howard Baker aptly compared Dirksen to Abraham Lincoln. He said, "Both men understood with singular clarity that a great and diverse people do not speak with a single voice and that adherence to rigid ideology leaves little room for compromise and response to change." [21] Shortly afterwards, I expressed to the Senate my own feeling that Dirksen's loss was as if a "pillar had been torn away, a pillar that furnished [the Senate] central strength and stability, fashioned with grace and elegance and skill." [22]

Mr. President, the jury of historical opinion still deliberates the rightful place of Everett Dirksen. As with other powerful public figures, the Illinois senator has had his ardent defenders and his bitter critics. His congressional service—sixteen years in the House and nineteen in the Senate—spanned an era justly called "the most creative legislative period in the history of the United States." [23] He spent all but four years of that time in the minority party. Although cast in

Dirksen meets in his Capitol office with Senators George Murphy, Roman Hruska, and Frank Carlson.
U.S. Senate Historical Office

the opposition, Dirksen took what Neil MacNeil describes as a "creative and activist's role" in the legislative process. Another perceptive journalist concluded that "combining Taft's legislative craftsmanship and Johnson's ability to amass Senate votes, Dirksen was the complete senator of the postwar era." [24]

Today, we are surrounded by Dirksen's memorials. In 1972, we named what was then called the New Senate Office Building the Everett McKinley Dirksen Senate Office Building. Three years later, the Everett McKinley Dirksen Congressional Leadership Research Center opened in Pekin, Illinois. This center is intended "to serve as an educational institution for the art and science of American politics and American government [and] in particular [for] the role of United States Congressional Leadership." [25] In 1978, Congress appropriated $2.5 million to support the center's programs. These programs include stipends for scholarly research, conferences on congressional leadership, exhibitions, and an annual award for the distinguished reporting of Congress. The winners of the Dirksen Award, since its inception in 1981, have been Neil MacNeil of

Time magazine; David Rogers, then of the *Boston Globe;* Martin Tolchin of the *New York Times;* Allen Ehrenhalt of *Congressional Quarterly;* Helen Dewar of the *Washington Post;* and Steven Roberts of the *New York Times.*

Mr. President, as we seek to draw meaning from Everett Dirksen's example as a senator, as a congressional leader, and as an American, we would do well to remember a statement that he might have intended as his guiding philosophy. He said: "Life is a matter of development or decay. You can either grow or you can retrogress. There's no standing still. You go backward or forward. The challenge will make you grow, if you are willing to assert a *leadership* and look on the challenge as something to be met and disposed of." [26]

Mr. President, as I remember Everett Dirksen, I remember him as a gentleman—one who was erudite and learned; an extremely gifted man; a man who, more than any other I have ever seen in this chamber, had the facility for expressing every emotion and for captivating not only the attention but also the heart of every listener. He spoke with feeling, with a voice that I had never heard before; and that mood could flow from the most passionate, the most stentorian, to the slightest wisp of a whisper.

I will also remember Everett Dirksen as a man who was not too big to know you; as one who could take a moment out of his busy life and laugh with you; always with a gentle smile, with a sparkle in his eye. He will always be one of my favorite senators.

CHAPTER 36

Mike Mansfield's Senate: The Great Society Years

September 8, 1986

Mr. President, United States senators, like baseball fans, love statistics. From time to time, we stop to congratulate colleagues on their years of service, the number of votes they have cast, their tenure in a committee chairmanship. We present a "golden" gavel award to senators who preside for a hundred hours in the chamber. Various interest groups collect our roll-call statistics, and rate how liberal or conservative we are or how often we support or oppose the president's program or how we voted on their favorite legislation. The American Enterprise Institute regularly publishes a volume, *Vital Statistics on Congress,* which accounts for everything from our religious affiliations to the number of staff we hire to the amount of mail we send out, measured in the millions of pieces. In this vast array of statistics, some record-holders stand out from the others. These senatorial Ty Cobbs and Babe Ruths have set standards of longevity and accomplishment that we know will take generations before they are surpassed, if ever.

On August 15, 1974, the Senate paid tribute to one of its champions, Montana's Mike Mansfield, on the 225th day of his thirteenth year as Senate Democratic Leader. On that occasion, he passed the record held by Arkansas' Joseph T. Robinson, who served as Democratic Leader from 1923 through 1937. Unlike Robinson, who had spent nine years as Minority Leader and four as Majority Leader, Mike Mansfield served only as Majority Leader. Indeed, when he retired in January 1977, he had spent the entire sixteen years of his leadership in the majority. In contrast, the Senate has had three Majority Leaders in the ten years since Senator Mansfield departed. If this were not a grand-enough statistic to make the *Guinness Book of Records,* our former colleague has gone on to set another record as the longest-serving American ambassador to Japan, a post he has held in both the Carter and Reagan administrations, and which he continues to hold.

Mr. President, these statistics are not oddities to be dealt with lightly. They are the measure of a remarkable man. They reflect his lifelong commitment to public service, his persistence and endurance, and an abiding bipartisan respect for his wisdom and ability. The purpose of these remarks, in my continuing series of addresses on the history of the United States Senate, is to discuss Mike Mansfield's leadership. His service was so long, and covered an era so turbulent, that I plan to divide my discussion into two parts—one on the domestic policy issues and one on the foreign policy issues of the Mansfield Senate. While some may consider this period more as one of current events than of history, let me add one additional, startling statistic: sixty-three of the present one hundred members of the United States Senate came here after Mike Mansfield retired. It is to those sixty-three, in particular, that I direct my remarks today, as well as to those who will study the history of the United States Senate in the years and decades and centuries to come.

Mike Mansfield and Montana are so synonymous that it is hard to believe he was not born on some windswept prairie or in a bustling mining town, but, rather, in Greenwich Village, New York, on March 16, 1903. "I was born of immigrants in New York City," he once recalled, "among immigrants, drawn from everywhere in the world. They had one thing in common: it was a belief in the promise of America." When Mike was three years old, his mother died, and his father sent the child to Great Falls, Montana, to live with an aunt and uncle. "From the age of three, my home was a general store in Montana," Mansfield said. "The people who came and went were miners, farmers and cowpunchers. They were prospectors, railroaders and teachers. They came from the South and from the Middle West. They were free souls who drifted or were driven to seek a new life on the Western frontier."

Before finishing the eighth grade, Mike Mansfield dropped out of school to begin an odyssey that took him around the world and into the mines of Montana. Mike was fourteen when America entered World War I. Being patriotic, although underage, he ran away from home and enlisted in the United States Navy. For a man who likes to set records, it should perhaps not be too surprising that after service in the navy, from 1918 to 1919, Mike went on to enlist in the army, where he served from 1919 to 1920, and then in the Marine Corps, from 1920 to 1922. Mike Mansfield has been the only United States senator to serve in these three branches of the military—and if there had been a separate air force in those days, he probably would have joined it as well! "The Army gave me the rank of private," he said, "the Navy, seaman 2d class, and the Marine Corps, P.F.C. In the training camps in the United States, on the North Atlantic, in barracks in the Philippines and China—I served with enlisted men from everywhere in the nation." [1]

After seeing the world, Mike returned to Montana as a mucker (or a shoveler) in the copper fields of Butte. When he was twenty-four, he enrolled in the Montana School of Mines to become a mining engineer. There, he met and fell in love with Maureen Hayes. Maureen was a schoolteacher, and Mike was an eighth-grade dropout. She recognized his intelligence and wanted him to achieve his full potential. No matter how much he might have learned as the world traveler that he was, she refused to marry him until he got a formal education. So, Mike set out to win her hand by finishing high school and going to college. They married while he was a student at Montana State University. "It was my wife who really got me started, who pushed me, and thank the Lord she did," Mike said. He added that, while his heroes were Montana Senator Tom Walsh and Western artist Charlie Russell, his heroine was his wife.[2]

Mike got his bachelor of arts degree in 1933 and set out to teach high school, but two Montana towns refused to hire him because he was a Roman Catholic—how deep grew the roots of religious intolerance in those days! Maureen, however, cashed in her

Maureen Mansfield encouraged her husband's career in education and politics. The family is seen here while Mike Mansfield was a professor at Montana State University in 1939.

Maureen and Mike Mansfield Library/University of Montana

life insurance policy to help her husband go back to Montana State University. There, in 1934, he earned his master's degree and joined the faculty as a professor of Latin American and Far Eastern history and political science. But the classroom could not hold him. Politics—Democratic politics—was in his blood. The Democratic party, he said, was "woven into all the years of my life," in the military, in the mining towns, and on campus.[3] So, it followed that the young professor—intrigued by politics; motivated by a concern for Montana, the nation and the world; and encouraged by his wife—would run for office as a Democrat. He lost a bid for nomination to Congress in 1940, running third in a three-man race. But in 1942, using his Montana State University students as his political organization, Mike Mansfield won the Democratic nomination and the election for a seat in the United States House of Representatives from the western Montana district.

Interestingly enough, Mike replaced Representative Jeannette Rankin, whom the state of Montana recently memorialized with a statue in the U.S. Capitol Building. A Republican, Miss Rankin was a pacifist who had won notoriety by casting the sole vote in Congress against American entry into World War II. In this act, she was consistent for, during her first term in the House, she had opposed entry into World War I. Her vote against the Second World War—when Pearl Harbor had just been attacked—was so unpopular that Miss Rankin stood no chance of reelection. Although she did not run in 1942, voters showed their disapproval of their Republican isolationist representative by choosing as her successor a Democratic internationalist with a military record in three branches of the armed forces. For all their differences, however, in later years, both Mike Mansfield and Jeannette Rankin found themselves in common opposition to the war in Vietnam—he as Senate Majority Leader, growing steadily disenchanted with the war; she as a peace activist, marching with protest groups in the streets.

The House Democratic leadership, under Speaker Sam Rayburn, was delighted to have the new western moderate Democrat, elected at a time when Republican and conservative margins were increasing. They rewarded him with an appropriate assignment on the House Foreign Affairs Committee, where he ranked in seniority just below another promising young Democrat elected in 1942, J. William Fulbright of Arkansas. That same class also included future senators J. Glenn Beall and Frank Barrett, future Secretary of State Christian Herter, and such later influential House members as Brooks Hays, Chet Holifield, Walter Judd, and Ray Madden. Other House members whom Mansfield first met in the Seventy-eighth Congress, and with whom he would still be working decades later in the Senate, included Democrats Lyndon Johnson, Clinton Anderson, Warren Magnuson, Henry Jackson, Jennings Randolph, John Sparkman, Albert Gore, Sr., Estes Kefauver, Mike Monroney, and Republicans Everett Dirksen, Hugh Scott, and Margaret Chase Smith.

As one of the few members of the House of Representatives with an extensive knowledge of Far Eastern affairs, Congressman Mansfield came to the attention of President Franklin D. Roosevelt. Just after Mike finished his freshman term in the House, President Roosevelt sent him on a confidential mission to China to inspect conditions there. Mike had first visited China as a marine private first class in the 1920's. When he arrived on the Chinese mainland in 1944, he found conditions there in turmoil. On the one hand, the Chinese were waging war against Japan; on the other, they were engaged in a civil struggle between Nationalists under Chiang Kai-shek and Communists under Mao Tse-tung. Although Mansfield endorsed Chiang as "the one man who can make Chinese unity and independence a reality," he reported widespread disunity and dissatisfaction with the Nationalists. Reflecting the opinions of China specialists at the time, he also described the Communists as "more agrarian reformers than revolutionaries." This assessment may have accurately reflected the situation in the winter of 1944,

Young Mike Mansfield, motivated by concern for Montana, the nation, and the world, embarked on his political career in 1940.
Maureen and Mike Mansfield Library/University of Montana

but events changed much more rapidly than anyone anticipated. By 1949, Chiang's government had collapsed and the Chinese Communists had seized control. In the angry and bewildered debate over "Who Lost China?" Mansfield came under fire for his report, and his race for the Senate in 1952 led to a smear campaign which labeled him China Mike.

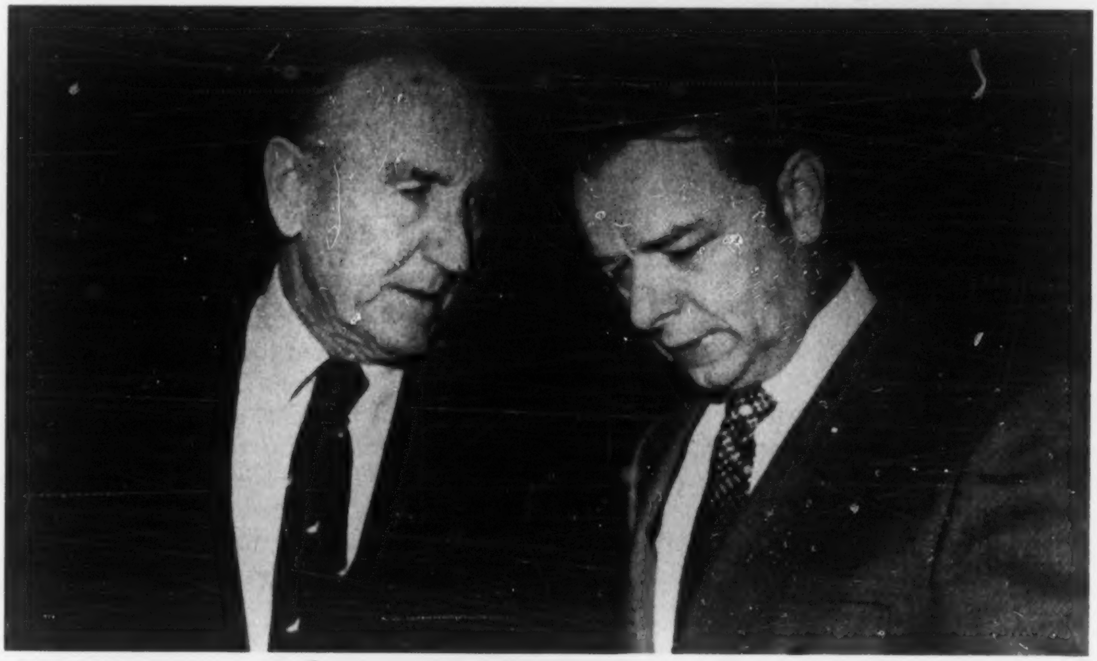
No political innocent, Mike did not absorb himself in foreign policy to the exclusion of his constituents. He went to the Far East armed with information on the location of every Montana serviceman in the region. John Kamps, later an Associated Press reporter on Capitol Hill, remembered returning one day to his camp in the jungles of Burma to find a note from Congressman Mansfield, who had ridden ten miles in a jeep to visit him. Montana may be a big state in geographic size—the fourth largest in the nation—but it has a small population, among whom word quickly spreads, and such diligent attention to constituents does not go unnoticed.[4]

Congressman Mansfield's support of the Roosevelt and Truman foreign policies, and his increasingly respected voice in the House of Representatives, led President Truman, in 1949, to offer him the post of assistant secretary of state for public affairs. Mansfield declined the offer. He preferred to remain in Congress and had his ambition set on the Senate. In 1952, Republican Senator Zales Ecton was standing for reelection after a not particularly distinguished freshman term. Ecton was the first Republican elected to the Senate from Montana since 1913, and Mansfield considered him vulnerable. But the race was hard and bitter. Eisenhower's presidential campaign provided broad coattails for Republican candidates. Senator Joseph McCarthy also went to Montana to campaign for Ecton. In his typically irresponsible fashion, McCarthy accused Mansfield of being a Communist "dupe." Despite these tactics, Mike Mansfield won the election and entered the Eighty-third Congress as United States senator from Montana. Others in the Class of 1952 included John F. Kennedy, Henry Jackson, Albert Gore, Sr., Stuart Symington, John Sherman Cooper, and Barry Goldwater.

The Senate Democratic leadership, under the command of the new Democratic Leader Lyndon Johnson, recognized Mansfield's talents and appointed the freshman senator to the Foreign Relations Committee. Throughout most of the 1950's, Mansfield devoted himself primarily to foreign policy issues about which I will have more to say at a later time. During this period, he established a reputation as a quiet, hardworking, thoughtful senator—a man of honor and integrity. After the 1956 election, when Democratic whip Earle Clements was defeated, Majority Leader Johnson selected Mansfield as his new whip. This was unlike the way the whips have been selected in recent years—by vote of the Democratic Conference. But at that time, Majority Leader Lyndon Johnson named the Democratic whip.

Reporters Rowland Evans and Robert Novak have written that Johnson really wanted Florida Senator George Smathers for the post of whip, but that Democratic liberals objected to Smathers. Conservatives would not accept Johnson's next choice, Hubert Humphrey. Mansfield, as a moderate, appealed to both sides.[5]

There were some who said Johnson picked a whip whom he knew would never challenge his leadership, and that could very well be true. Johnson and Mansfield employed very different styles of Senate leadership, and it would be hard to find two more different men. Johnson was loud; Mansfield quiet. Johnson was impatient; Mansfield had infinite patience. Johnson twisted arms; Mansfield took a low-key, conciliatory approach.



As Majority Leader, Mansfield delegated the details of floor work to Senator Robert C. Byrd, who served as majority whip for six years under him. *Office of Senator Robert C. Byrd*

Johnson wanted it known that he was totally in charge; Mansfield believed he was simply one among equals and treated all other senators as equals. Johnson, in fact, made little use of either Clements or Mansfield as whips, preferring to use party secretary Bobby Baker to count heads and control the flow of business on the floor. Former Assistant Secretary of the Senate Darrell St. Claire recalled that, during Johnson's absences, "again and again Mike Mansfield would try austerely to rise and be acting leader . . . and find he had no troops behind him because Bobby was circulating around the back of the Democratic side saying, 'Johnson wants this kept on the burner for a while.' "[6]

In 1960, Lyndon Johnson won election as vice president, and, in January 1961, the Democratic Conference selected Mike Mansfield to succeed him as Majority Leader with Hubert Humphrey as whip. To Bobby Baker's surprise, Mansfield asked him to stay on as Democratic secretary. Although they had had their differences and Mansfield had every right to feel resentful towards Baker, he recognized his talents for counting heads and for keeping track of every detail—assignments Mansfield was more than happy to delegate. And I can vouch for his penchant for delegating such details myself, having worked as secretary to the Democratic Conference under Mike Mansfield for four years and then as majority whip under him for six years.

"Working for Mike Mansfield, compared to working for Lyndon Johnson, was like lolling on the beach as opposed to picking cotton," Bobby Baker later recalled. "I truly liked Senator Mansfield. He was a decent, gentle, kind man, and keenly intelligent.

Sometimes, however, I missed the fiery performances and gusto provided by Lyndon Johnson." Mansfield, Baker complained, would frequently disappear into his office to meditate. Because the new Majority Leader seemed to lack aggressiveness in his political pursuits, Baker and Senator Robert Kerr, chairman of the Finance Committee, moved to fill what they saw as a political vacuum. "We wheeled and dealed while Senator Mansfield sat alone in a favorite hideaway office, puffing his pipe and reading book after book." [7]

There were many who wondered how the Senate could ever operate without Lyndon Johnson at its helm—including Lyndon Johnson himself. He had been a part of Washington long enough not to expect much influence in his new post as vice president, nor did he anticipate much of a role in the executive branch. Instead, Johnson hoped to keep his hand in the Senate's leadership as a lobbyist for the Kennedy administration's legislative program. He even asked to keep the old office which was his as Majority Leader, and which the press had dubbed the "Taj Mahal." Mansfield turned down the room request but agreed to make a motion that Johnson be permitted to continue presiding over the Democratic Conference after he became vice president. Upon hearing this motion, after a moment of stunned silence, the conference erupted into furor. Senators Joe Clark, Albert Gore, Sr., Clinton Anderson, Olin Johnston, and A. Willis Robertson—certainly representing a mixed bag of political ideology and influence—expressed outrage over this violation of the separation of powers. Johnson's sometimes heavy-handed tactics as Majority Leader apparently had built up much steam in the Senate, and Mansfield's motion finally blew off the lid. Although the conference allowed Johnson to preside on that occasion, the vocal opposition from old friends had wounded his pride, and he rarely returned to conference meetings.[8]

Mike Mansfield stepped into the Senate leadership at the start of the administration of his friend and former Senate colleague John F. Kennedy. From all accounts, Kennedy deeply admired Mansfield. Arthur Schlesinger, Jr., wrote that Kennedy "particularly liked and valued Mike Mansfield, approved of Mansfield's announced principles of 'courtesy, self-restraint, and accommodation' and considered him underrated because he did his job with so little self-advertisement and fanfare." Theodore Sorenson recorded that Kennedy sometimes "was frustrated by what he felt were Mansfield's excessive pessimism, caution and delays. But in view of his consistent string of successes in the Senate, he was deeply appreciative of Mansfield's loyalty and labors, held him in close personal affection, and felt that no Senate leader those years could have done better in the long run." [9]

The Democrats had strong majorities in both houses of the Eighty-seventh Congress—65 to 35 in the Senate, 262 to 174 in the House of Representatives. But these numbers hid the strong and deeply rooted ideological coalitions between highly placed conservatives from both parties opposed to Kennedy's liberal programs. Elected with an ambitious agenda that included civil rights legislation, medical care for the elderly, improvements in housing and education, and a desire to get the country economically moving again, Kennedy found that he could not command automatic majorities in either house or even count on the support of committee chairmen from his own party. The administration suffered embarrassing defeats in its farm legislation and on Medicare. Civil rights seemed bottled up in committee and faced a probable filibuster on the Senate floor. In 1963, the respected political scientist James MacGregor Burns published a book, *The Deadlock of Democracy,* in which he despaired that any dynamic new programs could emerge from the ideologically divided and conservatively entrenched Congress.[10]

Given these frustrations over the Kennedy program, there were many who thought a Majority Leader like Lyndon Johnson could muscle recalcitrant senators into line. But this was not Mansfield's style. John G. Stewart, who served as special assistant to the Democratic whip, Hubert Humphrey, published a revealing comparison of Johnson and Mansfield's methods of leadership. "Temperamentally unsuited to operate in the style of Lyndon Johnson, Mansfield based his leadership strategy on an appeal to the senatorial interests of institutional pride and personal participation, interests seemingly far removed from Johnson's harsh world of political reality," Stewart wrote. "As one observer remarked, 'Mansfield seemed to believe that belovedness would become the guiding force in the Senate.' " As Mansfield himself said at the end of his sixteen years as Majority Leader: "I don't collect any IOU's. I don't do any special favors. I try to treat all Senators alike, and I think that's the best way to operate in the long run, because that way you maintain their respect and confidence. And that's what the ball game is all about." [11]

There is no question that the Senate changed dramatically between 1953, when Mike Mansfield arrived, and 1977 when he left. And much of that change was attributable to his style of leadership. As political scientist Robert Peabody has written, "From the early 1950's to the mid-1970's, the Senate changed from a largely Southern-dominated, senior-controlled, committee centralized institution . . . to a relatively decentralized, a much more egalitarian institution characterized by democratized leadership and greatly expanded role for its junior members." In some ways, Lyndon Johnson started this ball rolling with his appointment of new senators to prestigious committees. But, where Johnson had dominated the Policy and Steering committees and sought to make or influence all committee appointments, Mansfield allowed these committees fairly free rein and permitted contested committee assignments to be decided by secret ballot. Under Mansfield, the Democratic Conference met more frequently than it had under Johnson and acted more as a forum for party discussion. Mansfield encouraged committee chairmen and other senators to manage their own bills on the floor and take public credit for their passage. During his leadership, the number of subcommittees expanded from approximately 125 to 180, and the number of staff from nearly five hundred to twelve hundred, giving freshmen senators more of a chance to be heard and to influence legislation.[12]

Not everyone appreciated Senator Mansfield's passive style. In a debate over President Kennedy's foreign aid bill in 1963, Senator Thomas J. Dodd of Connecticut argued that the Senate should be working harder and for longer hours. "Mike Mansfield is a gentleman," said Senator Dodd. "But I worry about his leadership. . . . He must say 'No' at times. He must say 'Yes' at times." Such criticism disturbed Senator Mansfield, and one Friday in November 1963, he asked the Senate for unanimous consent that he be recognized the following Monday morning to address the Senate on the subject of leadership, in order to set his critics straight. But that Friday was November 22, the day President Kennedy was shot. The death of the president had a profound effect on Senator Mansfield, who had lost a friend as well as a leader. We still recall his moving eulogy to the president with its haunting refrain, "And so she took her ring from her finger and placed it in his hands." [13] In the aftermath of those tragic days, Senator Mansfield said he had no heart to read his remarks about Senate leadership and, instead, inserted them in the *Congressional Record*. As a result, the statement did not get the attention it deserved. In many ways, it expresses the Mansfield credo of leadership.

"Mr. President, some days ago blunt words were said on the floor of the Senate," he began. "They dealt in critical fashion with the quality of the majority leadership and the minority opposition." Several senators had found the performance of the Senate wanting, and had raised a hue and cry that had been further magnified in the press. "There is reference, to be sure, to time-wasting, to laziness, to absenteeism, to standing still, and so forth. But who are the timewasters in the Senate, Mr. President? Who is lazy? Who is an absentee? Each Member can make his own judgment of his individual performance. I make no apologies for mine. Nor will I sit in judgment on any other Member."

The Senate was not more or less efficient, he maintained, because it worked from 9 to 5 or around the clock. "It will be of no avail to install a timeclock at the entrance to the Chamber for Senators to punch when they enter or leave the floor." And he was proud of the Senate's record of productivity under his leadership, despite the many important bills still waiting for consideration. "It is not the record of the majority leader or the minority leader," Mansfield said. "It is the Senate's record and as the Senator from Montana, I, for one, will not make light of these achievements in the first two years of the Kennedy administration. And the achievement is no less because the 87th Congress did not meet at all hours of the night, because it rarely titillated the galleries or because it failed to impress the visiting newsmen and columnists."

Turning to the criticism of his personal style of leadership, Mansfield said:

> Of late, Mr. President, the descriptions of the majority leader . . . have ranged from a benign Mr. Chips, to glamourless, to a tragic mistake. . . .
>
> It is true, Mr. President, that I have taught school, although I cannot claim either the tenderness, the understanding, or the perception of Mr. Chips for his charges. I confess freely to a lack of glamour. As for being a tragic mistake, if that means, Mr. President, that I am neither a circus ringmaster, the master of ceremonies of a Senate night club, a tamer of Senate lions, or a wheeler and dealer, then I must accept, too, that title. . . .
>
> But so long as I have this responsibility, it will be discharged to the best of my ability by me as I am. I would not, even if I could, presume to a toughmindedness which, with all due respect to those who use this cliche, I have always had difficulty in distinguishing from softheadedness or simplemindedness. I shall not don any Mandarin's robes or any skin other than that to which I am accustomed in order that I may look like a majority leader or sound like a majority leader—however a majority leader is supposed to look or sound. I am what I am and no title, political facelifter, or imagemaker can alter it. . . .

And, finally, within this body,

> I believe that every Member ought to be equal in fact, no less than in theory, that they have a primary responsibility to the people whom they represent to face the legislative issues of the Nation. And to the extent that the Senate may be adequate in this connection, the remedy lies not, in the seeking of shortcuts, not in the cracking of nonexistent whips, not in wheeling and dealing, but in an honest facing of the situation and a resolution of it by the Senate itself, by accommodation, by respect for one another, by mutual restraint and, as necessary, adjustments in the procedures of this body.[14]

Mr. President, whether one agreed or disagreed with Mike Mansfield's theories of leadership, there was no question of his straightforwardness in presenting and defending his position. Over the thirteen years after inserting these remarks in the *Congressional Record*, Senator Mansfield never deviated from them.

One of the cornerstones of Mansfield's leadership strategy was that of developing good relations with the Republican Minority

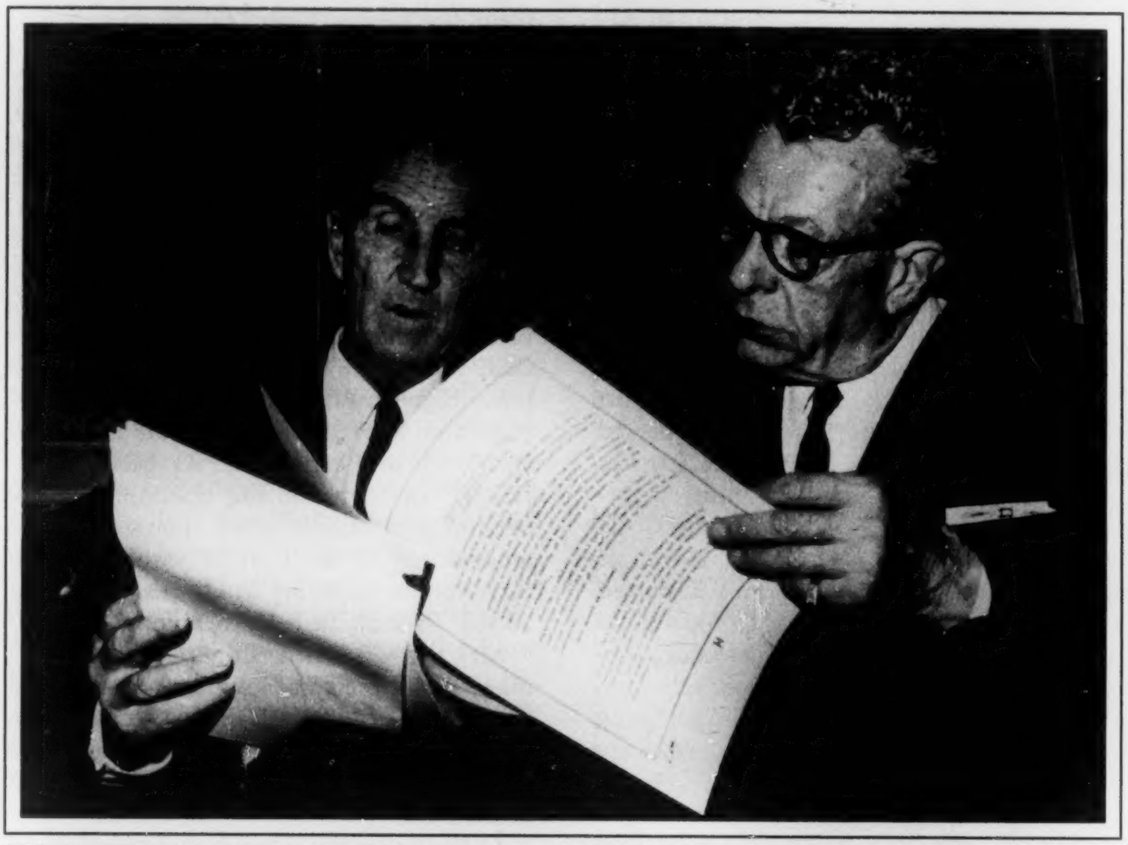
Leader, Everett McKinley Dirksen. Mansfield courted Dirksen, played straight and fair with him, and, as a result, won his cooperation at critical times in the legislative process. Without Dirksen's support, it is doubtful that the Senate would have approved the Nuclear Test Ban Treaty in 1963, one of the most important treaties of the post-World War II era. Similarly, Dirksen played a pivotal role in passage of the civil rights bill of 1964. President Kennedy had proposed this legislation in June 1963, but it languished in committee. In his first address to Congress following Kennedy's death, President Johnson made the civil rights bill a top priority. As he faced election in his own right in 1964, Johnson knew that passage of the bill would be seen as a major test of his administration. But, for all the influence Johnson could exert over legislation, not he but Mike Mansfield was Senate Majority Leader.

In their book *The Longest Debate: A Legislative History of the 1964 Civil Rights Act,* former Representative Charles Whalen and his wife Barbara point out that Mansfield decided not to become involved in the day-to-day discussions and manuevering over the bill, as a way of preserving his negotiating status. But, they write, "in his own strong and deliberate way, he made two decisions that vitally affected the fate" of the civil rights bill: one was to appoint his whip, Hubert Humphrey, as floor manager; the second was to reject President Johnson's plan to try to wear out filibustering southern senators by enforcing Rule 19, which limited each senator to two speeches during one legislative day. Johnson wanted to keep the Senate in session day and night to wear down the opposition, but Mansfield decided that the best strategy was to go for cloture and he began lining up the necessary sixty-seven votes. (At that time two-thirds of the Senate was needed to invoke cloture.) This was the reason why Everett Dirksen was so vital to this strategy. Mansfield needed enough Republican votes to compensate for the Democrats who opposed the bill—and a few others who opposed cloture under any circumstances. I was one of those who had never voted for cloture up to that time and had opposed cloture under any circumstances.

Richard Russell, leading the opposition forces, also worked hard to entice Dirksen to his side, but, in the end, Mansfield's long courtship of the Republican Leader won him over. On June 10, 1964, the Senate voted 71 to 29, 4 votes more than the necessary two-thirds margin, to invoke cloture on the filibuster against the civil rights bill. Those 71 votes included 27 Republicans. A little over a week later, the same coalition passed the historic Civil Rights Act by a vote of 73 to 27.[15]

Mr. President, this capsuled summary does not do justice to the long, involved, and often passionate struggle over the Civil Rights Act of 1964, but the point I wish to make is that, while Dirksen had his face on the cover of *Time* magazine, Humphrey received kudos from the liberal community for floor managing the bill, and Johnson earned national praise for enactment of this landmark legislation, Mike Mansfield's quiet, behind-the-scenes strategies and efforts also deserved some of the credit for the victory.

The year 1964 belonged to Lyndon Johnson, and his sweeping victory in the presidential election against our colleague Barry Goldwater carried along with it vastly expanded Democratic majorities in both houses of Congress. The election gave Democrats the widest margin of control in Congress since the depths of the Great Depression, thirty years earlier. In the House, there were 295 Democrats to 140 Republicans—a gain of thirty-eight seats; and, in the Senate, there were 68 Democrats to 32 Republicans—a gain of two seats. Although the increase in Senate Democrats was not as nu-



Majority Leader Mike Mansfield and Minority Leader Everett Dirksen worked closely together to pass the Civil Rights Act of 1964. *U.S. Senate Historical Office*

merically significant as in the House, it was still a significant victory for it meant the reelection of the predominantly liberal freshmen of the Class of 1958, who would direct much of the legislative explosion of the Great Society years.

Lyndon Johnson gave the title Great Society to his program, which represented Democratic aspirations for a fairer, more equitable, and economically secure nation. Reform legislation which had been bottled up in committees, stymied by the conservative House Rules Committee, and seemingly immobile during the Eisenhower and Kennedy years suddenly burst forth onto the floor and was passed with breathtaking speed. Stewart McClure, chief clerk of the Senate Labor and Public Welfare Committee from which much of the Great Society's legislation originated, in his oral history described the change: "Lyndon . . . came in like a tiger, and everything that had been dormant and stuck in conference or committee went woosh, like a great reverse whirlpool spinning it out. We passed everything within the next year or two." Recalling these events years later, McClure was still amazed. "I had never seen so much activity in my life around here!" he said. "We were passing major bills every week. It was unbelievable.

Just a great dam broke. Everything but national health insurance, everything that had been piled up since Truman plus a lot of new stuff. . . . [I]t was fun!"[16]

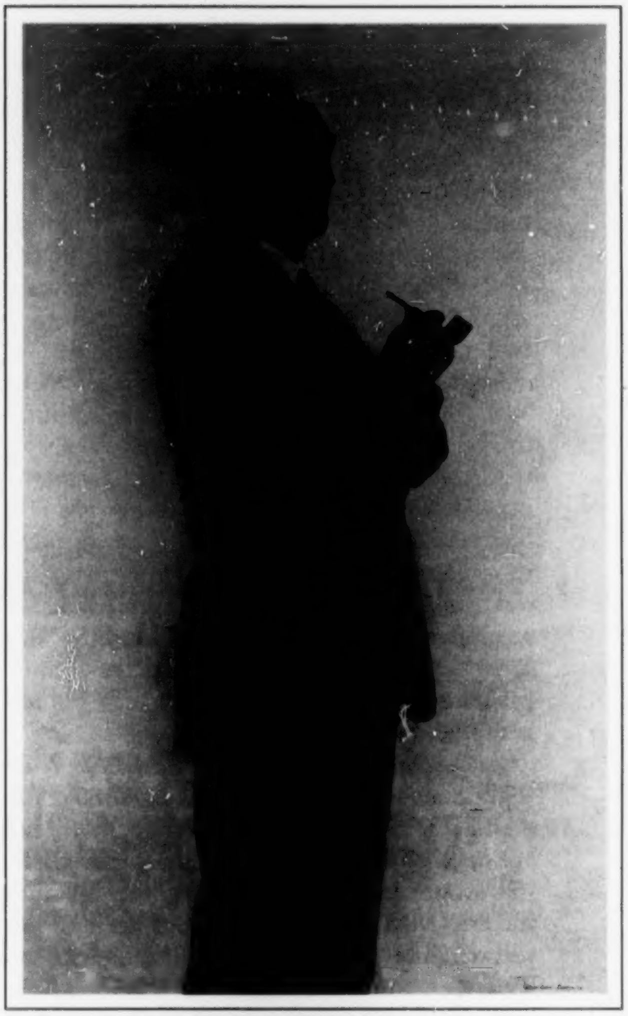
A shining example was the Elementary and Secondary Education Act of 1965. For years, education bills had bogged down over the issue of federal aid to education and the issue of separation of church and state. The Johnson administration proposed a new approach from an idea developed by the staff of the Senate Labor Committee. As Stewart McClure recalled, the committee had just been dealing with the issue of impacted aid—that is, federal aid to school districts to compensate for the children of military personnel stationed there, but who paid no local taxes. Charles Lee of the committee staff commented on what a good idea impacted aid was and then connected it to federal aid to education in general. As McClure explained it, "A child going to a poor school in a poor district should be considered suffering a national impact caused by the failure of the whole society to upgrade his disadvantaged area." To this, they added the entitlement idea behind the GI bill. "We thought that poor children living in disadvantaged areas should be entitled, as were veterans, to special attention and assistance to help them climb out of the hole in which they had been placed by the entire society."

The staff took their plan to Senator Wayne Morse, chairman of the education subcommittee, who immediately recognized its value. Since the aid went to the children in poor areas, rather than to their schools, it avoided the whole church-state controversy. Senator Morse presented the concept to the Johnson administration, which embraced it warmly and then sold it to the education community. As McClure described it, "I think the ground was ready and the populace was prepared [for federal aid to education], but the Congress was not, until Lyndon, using the Kennedy martyrdom, so to speak, raised the torch and cracked the whip and made the phone calls." The education bill, stymied for so long, now moved so quickly, as the *Congressional Quarterly* observed, that "the word was passed to approve the bill and worry about perfecting details later." In January 1965, the president requested the bill; by March 26, the House had passed it. Two weeks later, the Senate committee reported it without amendment, and three days after that, the Senate voted 73 to 18 to make it law. Significantly, the Majority Leader played no appreciable public role in passing this landmark legislation. As McClure recalled: "In terms of the operation of the Senate you didn't even know he was around. . . . I don't recall Mansfield's intervening in anything at any time." But he added, "Nor did he have to, much."[17]

Mr. President, the Congress enacted so many major pieces of legislation during that period that I cannot tell the story of each individually. Let me just list in chronological order the domestic legislative achievements of the Johnson administration and the Mansfield Senate in the years from 1964 to 1966. Beginning in February of 1964, there was the Tax Reduction Act, which reduced both personal and corporate income taxes. In April, came the Economic Opportunity Act, which embodied President Johnson's call for a war on poverty. This act created the Office of Economic Opportunity, the Job Corps, and VISTA (Volunteers in Service to America) to fight against illiteracy, unemployment, and inadequate public services for the poor. In July, the Civil Rights Act was passed. That same month also saw passage of the Urban Mass Transportation Act. In September, we enacted the Wilderness Act.[18]

April 1965 saw passage of the Elementary and Secondary Education Act. In July, Medicare was enacted. In August, came the Voting Rights Act and the Omnibus Housing Act. In September, we created the Department of Housing and Urban Development. Also in September, the National Endowments for the Arts and Humanities were established. In October, the Water Quality Act, the Air Quality Act, the Higher Education Act, and the Immigration Act all became law. The year 1966 saw passage of the Veterans' Educational Benefits Act in March. The National Traffic and Motor Vehicle Safety Act was passed in September. Also in September, Congress raised the minimum wage, extending coverage to restaurant, retail, and farm workers previously excluded from minimum wage requirements. In October, we created the Department of Transportation. In November, the Clean Water Restoration Act passed, as did the model cities bill.

By any standard, this was the greatest legislative record of any Congress with the exception of the Hundred Days of the New Deal. Lyndon Johnson, who had begun his political career during the Franklin Roosevelt years, had donned the mantle of his hero. In recent years, it has become fashionable for critics to dismiss much of the Great Society as "too much, too soon," to charge that the Great Society programs did not amount to all that Johnson had promised, and to imply that Johnson's programs have been undone. It is true that for a variety of reasons, Johnson never again achieved the legislative momentum he enjoyed in 1965. It is also true that he exaggerated and oversold many of his programs and perhaps raised hopes too high for quick solution of long and entrenched social problems. But, from this list of legislation which I have just enumerated—and there is more—I can only conclude that Johnson's Great Society legislation had a lasting impact on American society—from health to environment to equal opportunity. Also, in reading through this list, it is striking how much of the Great Society legislation remains, even today.



This portrait, by Aaron Shiklet, hangs in the Capitol's Mike Mansfield Room.

U.S. Senate Curator's Office

Despite the efforts of subsequent administrations to dismantle the Great Society, Medicare survives, as does the Department of Transportation and also the Department of Housing and Urban Development and the many programs they administer. The National Endowments for the Arts and Humanities still do their good work in promoting our cultural resources. The federal government still aids education, promotes traffic safety, and protects the environment. We have continued and strengthened the Civil Rights Act and Voting Rights Act. In addition, we have, during the current administration, enacted new tax cuts in the spirit of the tax reduction passed during the Johnson administration. Most of the work of the Johnson administration and of Congress in the 1960's was not in vain. Like Social Security and other reforms of the 1930's, its legacy has become entrenched in our way of life.

During all this legislative activity, Mike Mansfield presided, seemingly passive, puffing on his pipe, behaving no differently in the leadership than he had during the previous, frustrating years of inactivity. He still had his critics, but, by now, many had come to appreciate his purpose, his style, and his contributions. As Senator Edmund Muskie reminded us of the Majority Leader, "We must never forget that the legislative accomplishments of these years were also his accomplishments." [19]

For his own part, Senator Mansfield willingly conceded the spotlight and shared the credit for these accomplishments with his colleagues. When asked by the press about his proudest accomplishments, the bill that he delighted in citing was not one of the monumental Great Society laws, but the Twenty-sixth Amendment to the Constitution, ratified in 1971, which gave eighteen-year-olds the right to vote. Senator Jennings Randolph had been advocating such an amendment since 1942, but the idea only began to gain popularity during the Vietnam War when so many teenage young men were inducted into the armed forces. If one was old enough to die for his country, the reasoning went, he was old enough to vote.

In 1970, Senator Edward Kennedy proposed reducing the voting age to eighteen as an amendment to the Voting Rights Act. Kennedy reasoned that the Supreme Court's decision in *Katzenbach* v. *Morgan* in 1966 would support taking this action by statute rather than by constitutional amendment. The idea appealed to Senator Warren Magnuson, who took it up with the Majority Leader. "You know, Mike, Teddy's got a pretty good idea there," Magnuson said. "I was a member of the state legislature in Washington in 1933, and I introduced a bill permitting eighteen-year-olds to vote. I couldn't get it to the floor for a vote. It still hasn't passed. . . . Suppose you introduce the amendment." Mansfield, in thinking it over, agreed. With his prestige behind it, the Mansfield-Magnuson-Kennedy Amendment cleared the Senate and House and was signed by President Nixon.[20]

The statute was immediately challenged in the courts, and the result was an unusual "double" 5 to 4 decision by the Supreme Court in *Oregon* v. *Mitchell* in December 1970. Justice Hugo Black cast the swing votes, upholding the eighteen-year-old vote 5 to 4 in federal elections, but holding it unconstitutional, 5 to 4, in state and local elections.

To resolve this difficulty, Senator Birch Bayh, who chaired the Constitutional Amendments Subcommittee of the Judiciary Committee, led a successful effort to propose a constitutional amendment. The Twenty-sixth Amendment was ratified by the states in record time in 1971, and it reduced the voting age to eighteen for all elections. Senator Mansfield was delighted with the results and proud of his contribution. It was an appropriate stand for a man whose first political organization consisted of the students from his university classes.

After listing the eighteen-year-old vote as his proudest accomplishment, Mansfield cited three other items: his role in initiating the Watergate investigation; his part in initiating the Senate inquiry into the activities of American intelligence agencies (chaired by Senator Frank Church); and, finally, the "evolution, unpublicized, in the conduct of the Senate." He repeated to the reporter his,

President John F. Kennedy inscribed this photograph: "For Mike, who knows when to stay and when to go." *Left to right,* Representatives Carl Albert, Hale Boggs and John McCormack, Vice President Lyndon Johnson, Senators George Smathers, Hubert Humphrey, and Mike Mansfield. *Maureen and Mike Mansfield Library/University of Montana*

by now, familiar refrain, "All senators are equal in my opinion . . . there are no superstar senators, there are no second-rate senators, no senators who should spend months or years saying nothing, while their elders speak out on any and all subjects. There is no club in the Senate any more." [21]

As those of us who were his colleagues can readily attest, this was the way Mike Mansfield ran the Senate. No one ever accused him of twisting a single arm, of going back on his word, of using unfair tactics. He held the Senate up to its full responsibilities and expected it to behave properly by itself. This philosophy carried over even to the election of other party leaders. Senator Mansfield never intervened in the Democratic Conference elections, never endorsed one candidate over another. During his years as Majority Leader, the conference elected four whips: Hubert Humphrey in 1961; Russell Long in 1965; Edward Kennedy in 1969; and Robert C. Byrd in 1971. In none of those elections, even when incumbents were challenged, did Senator Mansfield take sides.

Mr. President, in future addresses, I will talk about other aspects of the Senate during the years in which Mike Mansfield served as Majority Leader—about the wrenching Vietnam War years, about the traumatic Watergate period. For now, however, let me conclude today's focus on Mike Mansfield's career in the Senate with a mention of his retirement. Among his favorite mementoes was a huge photograph from 1962 showing congressional leaders milling aimlessly around the White House rose garden, while Senator Mansfield can be seen walking resolutely away from the group. On the photograph, President Kennedy inscribed, "To Mike, who knows when to stay and when to go." [22] After ten years in the House and twenty-four in the Senate, he decided it was time to go. "It is not a long time," he said, "but it is time enough." The Mike Mansfield who left was remarkably unchanged from the much younger man who had arrived years before. His administrative assistant, Peggy DeMichele, who had worked for him for many years, testified that he had "stayed the same." She commented that "there are so many little things he has done for the people in his state, things no one has ever heard about and he doesn't want anyone to know about. He has always tried to let others take the credit. Time after time he has worked hard for some project, and when the ribbon cutting time came he let others hold the scissors." [23]

On the last day that the Senate was in session during his term, his colleagues paid him special tribute. I introduced Senate Resolution 551, designating room S–207 in the Capitol as the Mike Mansfield Room. I knew Senator Mansfield, out of his typical modesty, would have objected when the resolution was introduced, so I waited until he was off the floor in the cloakroom. So, the room was named, and in it a large portrait of Mansfield, pipe in hand, watches down upon us today, as it will upon senators in the future.

Mr. President, during that last tribute to Senator Mansfield, in September 1976, I said these words:

> Each Member of the Senate, I believe, looks forward to the culmination of his years of service here with the hope that his actions and decisions have advanced the nation toward the realization of the ideals of our American heritage. Each of us wants to help the American dream to acquire a more evident reality. Mike Mansfield has not been disappointed in these aspirations during his years in the Senate. In an historian's terms, he will deserve more than a footnote in the annals of the Congress; he has already warranted a full chapter in any such account. [24]

Mr. President, I am a man of my word. With this address I have made Senator Mansfield a full chapter in my history of the United States Senate. He deserves no less.

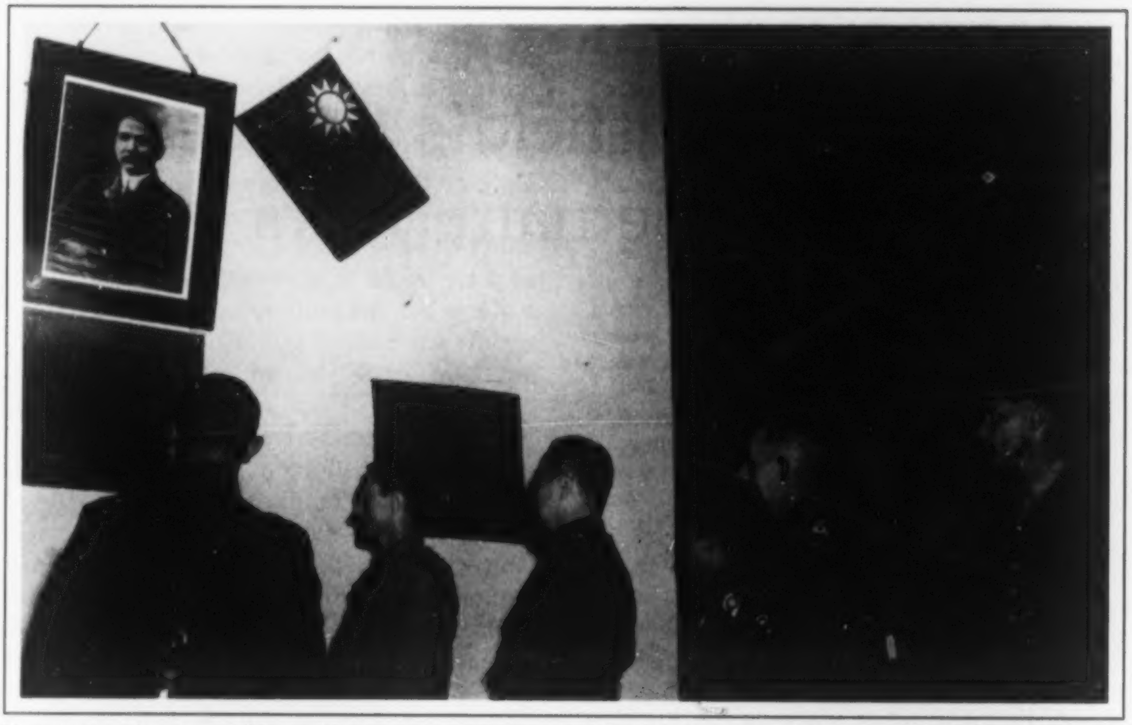
CHAPTER 37

Mike Mansfield's Senate: The Vietnam Years

September 12, 1986

Mr. President, on the last day of Mike Mansfield's service in the United States Senate, he arose to recall the many great events that had taken place during his sixteen years as Majority Leader. Quite naturally, among the issues that loomed the largest in his memory was the war in Vietnam, which "first supported by the nation and then denounced by the nation, was finally brought to an end by the President under the persistent pressure of the Senate." This was a bittersweet accomplishment for Mansfield. As a young congressman in 1945, he had warned that "with the exception of Japan, our military business has ended in the Far East, and the best procedure for us to follow would be to let the countries in that part of the world settle their own internal difficulties." But, Mr. President, his warnings went unheeded over the next three decades, and the United States stumbled into the tragic war he had wanted to avoid.[1]

There were many senators who took an active role, either for or against the war in Vietnam. They made many eloquent speeches and cast many courageous votes. One thinks of J. William Fulbright, Richard Russell, Wayne Morse, Henry Jackson, Frank Church, John Sherman Cooper, George McGovern, George Aiken, and so many more who fought this war verbally and tactically in the committee rooms and on the Senate floor. Not everyone agreed with Mike Mansfield about Vietnam—I had my differences with him over our policies there--but no senator doubted his wisdom, expertise, and strong sense of principle on matters relating to foreign policy in general and Southeast Asia in particular. No other senator devoted so much of his attention over so long a time to Vietnam; no one visited that country more often, had more contact with its leaders, and had more respect from all sides of the fierce debate that followed than did Mike Mansfield. His words and his activities offer us a road map through the Vietnam maze. My remarks today owe a debt to a very fine collection of Senator Mansfield's speeches, *Hon. Politician: Mike Mansfield of Montana,* edited by Louis Baldwin. I recommend this volume to all those interested in the Senate's role in the Vietnam War.



Knowledgeable about Chinese history and contemporary life, Representative Mike Mansfield visited China in 1944 on a mission for President Roosevelt. *Maureen and Mike Mansfield Library/University of Montana*

During an earlier address in my continuing series on the history of the United States Senate, I discussed the Senate and a bipartisan foreign policy during the 1950's. At the time, I referred to the roots of American involvement in Indochina during the time of the Dienbienphu crisis in 1954; the formation of the Southeast Asia Treaty Organization; and the creation of Laos, Cambodia, and North and South Vietnam out of the former French colony. I pointed out that warnings from congressional Democratic leaders had persuaded President Eisenhower not to become militarily involved in Vietnam unless supported by our European allies—a support that Secretary of State John Foster Dulles discovered was not forthcoming. In retrospect, President Eisenhower receives high marks for avoiding American military participation in Vietnam, although his administration provided the economic and military aid that enabled the new government of Ngo Dinh Diem to become established in South Vietnam and that tied the United States to that regime with fateful consequences.

Senator Mansfield was strongly influenced by earlier American actions in China and Korea. As a young marine, he had visited China in 1922; he had studied and taught about China at Montana State University; and he had visited China as President Roosevelt's special representative in 1944. Mansfield had few illusions over the strength or ability of Chiang Kai-shek's Nationalist government and was not surprised when Chiang's government collapsed in 1949 and the Nationalists fled to the island of Formosa. When a bitter debate developed in the United States over "Who Lost China?" Mansfield supported the policies of President Harry Truman and his beleaguered secretary of state, Dean Acheson. Opponents of Truman's policies, most notably Wisconsin's Joe McCarthy, tried to smear anyone who had the slightest doubt about Chiang as somehow being procommunist, and labeled the Montana congressman as China Mike. Montana voters were not convinced and elected Mike Mansfield to the Senate after a bitter and hard-fought campaign in 1952. In that campaign, he defeated incumbent Zales Ecton by a margin of 6,000 votes out of 360,000 cast. Still, this experience long affected him deeply, and it was many years before he renewed his interests in American relations with China. Similarly, Mansfield was shaped by his observations of the Korean War—which involved American troops on the mainland of Asia, which lingered on longer than anyone had expected, which affected American public opinion, and which darkened the final years of the Truman administration.

As a senator, Mike Mansfield returned to Asia, although now the doors of China were closed to him. He toured extensively throughout Southeast Asia, including the capitals of what would later become Laos, Cambodia, and Vietnam after the collapse of the French colonial effort in Indochina. He was also a member of the American delegation to the Geneva Conference that divided Indochina and witnessed the birth of the Southeast Asia Treaty Organization, known as SEATO. Mansfield was visiting Hanoi at the very time the French evacuated that city. Because he knew the region, its history, and its leaders so intimately, Mansfield was dubious when the Eisenhower administration moved to establish an American role in Southeast Asia. In July 1954, Mansfield delivered a prophetic warning in the Senate:

> I do not know whether the President himself ever seriously considered committing this nation to an armed involvement in Indochina. Nevertheless, the air around him was full of military sound and fury just prior to Geneva. There was much talk of involvement, even though Indochina would have been in every sense a nibbling war.
>
> The terrain of the Indochinese conflict—the flooded deltas, the thousands of scattered villages, the jungles—is made to order for the nibbling of mechanized forces. The French have been nibbled and chewed for eight years. . . .
>
> A people, whether in Asia or in the Americas, can preserve their independence only if they have it in the first place and if they are willing to fight to keep it. Beyond this initial responsibility, which every nation must accept, nations can combine among themselves for a joint defense of freedom. . . . But from the beginning to the end of this process of defense, the key factor is the determination of the people of each nation to defend their freedom.

Senator Mansfield proposed that the United States favor any government in Asia which represented its people and was responsive to their needs, but that we should stay out of their internal affairs. He argued that any military alliances must draw their primary strength from the Asian nations themselves, and that American involvement, if any, should be indirect. And he insisted that the United Nations should serve as "the only worldwide marshalling center for resistance, in the event of aggression or threat of aggression in Asia." Senator John Sherman Cooper suggested that Mansfield wanted it both ways, to protect Southeast Asia from communism without engaging U.S. troops. Asked whether he favored intervention in Indochina, Mansfield responded bluntly: "No, I was never in favor of intervention, and I am opposed to it now. I think that it would be suicidal. I believe the worst thing that could happen to the United States would be to have our forces intervene in Indochina and then bog down in the jungles there." Sadly, as we know, his worst fears were to materialize a decade later.[2]

Like Senator John F. Kennedy and Supreme Court Justice William O. Douglas, Senator Mansfield met, and came to admire, the Vietnamese Nationalist Ngo Dinh Diem during the early 1950's while Diem lived in exile in a Catholic convent in the United States. After South Vietnam became an independent nation, Diem returned as its president, and Mansfield became one of his strongest supporters. Mansfield recognized Diem's limitations. He was cool and aloof from his people, by no means a charismatic leader. He could be rigid and dogmatic and relied excessively upon his brother, Ngo Dinh Nhu, whose tactics verged on the despotic. But Mansfield also insisted that if South Vietnam was going to survive as an independent nation, it must do so under its own leadership, and Diem provided the only hope. This was the whole thrust of his belief in the self-determination of nations. Mansfield defended Diem against criticism from both the French and the State Department, which periodically signaled its own suspicions, but he insisted that Diem was never "our boy."

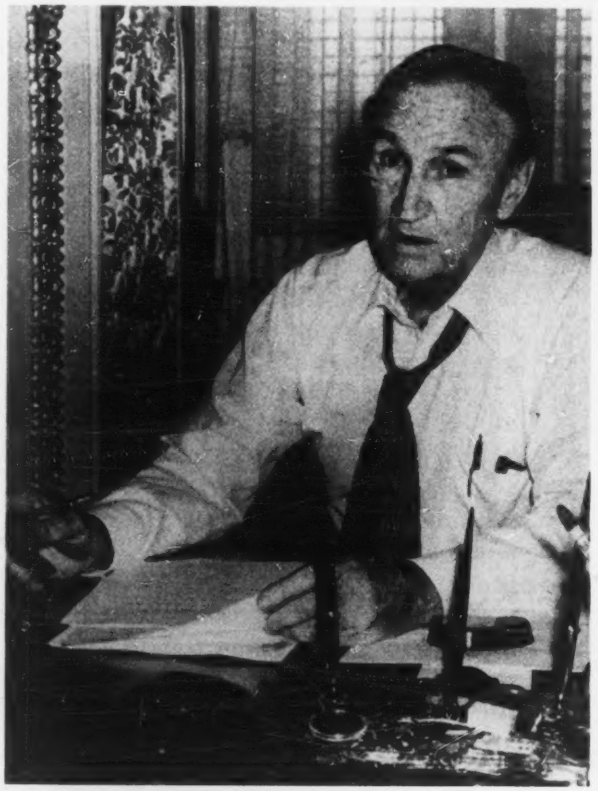
When Diem was overthrown in a coup in November 1963—a coup which the United States may have sparked and certainly did nothing to prevent—Mansfield rose in the Senate to regret that "a government which began with so much promise, in the end crumpled in a military coup and violent death." He called upon the Kennedy administration to reevaluate America's role in Southeast Asia and to begin a reduction in the commitment of U.S. forces in Vietnam. Within just a few weeks, however, the Kennedy administration itself ended with a violent and tragic death, and a new administration under Lyndon B. Johnson was in office.[3]

On one hand, Mansfield might have hoped to influence the Johnson administration's policies towards Vietnam. President Johnson had had little experience in foreign policy and, with the exception of one whirlwind tour of Southeast Asia in 1961, he had little background in the conflict in Vietnam. He was not necessarily bound to the policies of his predecessor. While he was Majority Leader in 1959, Johnson had picked Mansfield as his whip and seemed to respect his advice on foreign policy. Johnson in those days had also been in the habit of calling Senator J. William Fulbright "my secretary of state," and Fulbright shared much of Mansfield's skepticism about the Vietnam situation. But, once in the White House, rather than turning to his old congressional colleagues for advice, Johnson, who also recalled the "Who Lost China?" debate, was determined that he should not appear weak, and that an American ally should not fall to communist expansion during his presidency. He thus ignored Mike Mansfield's call for self-determination and respect for the nationalist movements in both North and South Vietnam. Sadly, Lyndon Johnson came to picture the conflict as just another outbreak of the great global clash between communism and democracy.

Although Mansfield disagreed strongly with Johnson's policies and regularly sent memoranda to the White House suggesting alternatives to escalation of the war, in public he stood loyally by his president. As the Democratic Majority Leader, Mansfield believed it was his institutional role to defend the programs of the Democratic administration, no matter what his personal feelings. He supported the Gulf of Tonkin resolution in August 1964 and each successive increase in troops to Vietnam. As the Senate and the nation began to divide into hawks and doves, Mansfield resisted the urge to join the doves and, instead, defended his president. When Mansfield's close friend and breakfast companion, George Aiken, rose to condemn President Johnson's policies, Mansfield rose in rebuttal:

> I think I probably know Lyndon Johnson as well as any other member of this body knows him. I have been closely associated with him for 24 years. I know how deeply concerned he is about Vietnam. I know the agonizing days and nights he goes through. I know of his intense desire to bring this most difficult of all situations which has ever faced an American President to some sort of honorable conclusion. . . .
>
> So far as the Senator from Montana is concerned, he will do his very best to give the President of the United States as much in the way of support as he possibly can.[4]

At the same time he offered the president his support, Senator Mansfield worked hard for peace in Vietnam. He felt dismayed over the situation in South Vietnam, where coup followed coup until it was difficult to tell who was in charge, and where American military forces were increasingly taking over the war. At the beginning of 1965, Americans were suffering five casualties a week in Vietnam. By the end of 1965, the number of killed and wounded had risen to five hundred a week. The annual cost of the war had risen from $1 billion to $13 billion. The field of battle had spread from South Vietnam to North Vietnam, with the bombing of North Vietnam by U.S. forces, to Laos, and eventually to Cambodia. "Is Vietnam, both north and south, to be reduced to a charnel house amidst smoking, silent ruins?" he asked. Seeing the issue in larger geopolitical terms, he suggested that peace in Southeast Asia was inseparable from peace with China. "What is needed most, at this time and in the light of the danger, is an initiative for a direct contact between the Peking government and our own government on the problem of peace in Vietnam." He delivered these remarks at a commencement in June 1966, five years before Richard Nixon, as president, would achieve a breakthrough in relations between the United States and the People's Republic of China.[5]



Mike Mansfield called for direct contact between Peking and Washington in the 1960's.
Martin Luther King Library.

During the last two years of the Johnson administration, as the Vietnam war intensified, Mansfield continued to pursue these themes. He called for a face-to-face meeting between Secretary of State Dean Rusk and the Chinese foreign minister. He proposed a halt to the aerial bombardment of North Vietnam and a concentration on sealing off the borders of South Vietnam. He called for a reconvening of the Geneva Conference on Southeast Asia and for an all-Asian conference on the war. He called on the administration to give closer consideration to French proposals for the neutralization of Southeast Asia. He suggested that the United Nations play a role in ending the war. "The conflict in Vietnam cannot be settled from the Congress or from the campus," he said in a speech at the University of North Carolina in 1967. "In a government such as ours, a Senator lives with a Constitution, a constituency and a conscience." Only the president, however, could make the fundamental decisions of war and peace. "These decisions are of an immensity which enjoins upon us all a high respect for the burdens which a President must bear, and a responsibility to tender to him every support which can be given in good conscience." [6]

By 1967, all the optimistic predictions of an early end to the war and "bringing the boys home by Christmas" had passed as just so many fantasies. "The fact is that the war bewilders," said Senator Mansfield. The statistics were benumbing. The costs in human life and dollars were staggering. "Eight weeks of military expenses in Vietnam equal all of the Federal monies sought for education," he pointed out, ". . . and the special funds for improving education in city slums and depressed rural areas." By mid-1967, over ten thousand Americans had died in the war (an appalling statistic then, before we knew that fifty thousand names would one day be inscribed on a wall in Washington).

By February 1968, the Tet Offensive had taken place and events in Vietnam had deteriorated even further. In remarks at Indiana University, Senator Mansfield described the struggle in Vietnam as "grim, pitiful and devastating." He said that the question "Who's winning in Vietnam?" was offensive, as if the war were an athletic contest. "Vietnam is not a game. There can be no winners; there are only losers, and the longer the war persists the greater are the losses of all concerned." In his most critical statement on the conduct of the war, Mansfield concluded with these observations:

> There is no obligation to continue to pour out the blood and resources of this nation until South Vietnam is made safe for one Vietnamese faction or another. On the contrary there is an obligation to the people of the United States to conserve that blood and those resources; and, to the people of Vietnam there is an obligation to avoid the destruction of their land and society even in the name of saving them.[7]

Five weeks later, President Johnson announced that he would not stand for reelection but would devote his complete attention instead to achieving a negotiated peace in Vietnam.

In March, Mansfield delivered the first lecture sponsored by the Maureen and Mike Mansfield Endowment at the University of Montana. Vietnam was still the great issue, but he wanted to go beyond Vietnam to reiterate his belief that the crisis in Asia could not be settled without rapprochement with China. "Like it or not, the present Chinese government is here to stay," he observed. "Like it or not, China is a major power in Asia and is on the way to becoming a nuclear power." It was, therefore, in America's best interest to put aside its efforts to isolate China.[8]

The 1968 election of Richard Nixon, who promised a secret plan to end the war and who, as president, advocated "Vietnamization" of the war, seemed to hold promise of an honorable end to the terrible conflict, but Senator Mansfield was soon horrified to see the president expanding the war into neighboring Laos and Cambodia. Freed from the constraints of speaking for a president from his own party, Mansfield took to the Senate floor to wave a warning flag against a deepening conflict. "The danger of our overextended commitment in Southeast Asia needs to be considered frankly and without delay." [9]

The war caused Senator Mansfield to reevaluate his position on the president's handling of foreign affairs. "For many years, we have seen our role in matters of war and

Despite President Nixon's "Vietnamization" of the war, the conflict escalated. During debates on the Vietnam War, Nixon met with congressional leaders, *left to right,* Gerald Ford, Carl Albert, Robert Griffin, Robert C. Byrd, and Hugh Scott. *Office of Senator Robert C. Byrd*

peace largely as one of acquiescence in the acts of the executive branch," he said to the Senate in 1970. "If we have had doubts, we have swallowed them. . . . We have gone along. We have rocked few boats." But that time had passed, and too much blood had been spilled. He insisted that the Senate exert its responsibility "to curb the further expansion of the war." [10]

In 1972, as the final negotiations for withdrawal of American troops from Vietnam took place, the Nixon administration made the grand gesture towards China that Senator Mansfield had been advocating for years. It was appropriate that, after the president's historic visit to Peking, the first official congressional delegation to China would consist of Senator Mike Mansfield and Republican Leader Hugh Scott. Opening the door to China, he pointed out, undermined much of our rationale for being in Vietnam:

> It seems to me high time to ask why we are using the most advanced machines of destruction in that primitive land. Are we doing so out of force of habit? Out of fear? Fear of what? The fact is that we are still engaged in a war which, to put the best face on it, was sanctioned by what has now become a discredited policy towards China. The President's visit to China had the symbolic effect of marking the end of that policy. If the old China policy is no longer valid, is not the present involvement in the Vietnam war which derived from that policy also invalid? [11]

In the end, as the last American troops were withdrawn, Senator Mansfield proclaimed the Vietnam War "not a comedy of errors, but a tragedy of errors for this nation, with 55,000 dead, with 305,000 casualties; with something on the order of $130 billion spent so far; with three times as many bombs being used, in tonnage, as was the case in all of the Second World War and Korea; with the tactics of defoliation and craterization of

Considering their longstanding concern over United States-Asian relations, it was appropriate that Majority Leader Mike Mansfield and Minority Leader Hugh Scott were selected for the first official congressional delegation to the People's Republic of China in 1972. *U.S. Senate Historical Office*

Indochina; with the difficulties it has caused us at home." He called on the nation to "put Indochina behind us, wipe the slate clean, and start out to bind up some of the wounds and take care of some of our own concerns."[12]

The independent nation of South Vietnam lasted only two years after the withdrawal of American troops and collapsed in the spring of 1975. On April 30 of the same year, the last Americans were helicoptered out of Saigon. President Gerald Ford called for Americans to close ranks and avoid recriminations. Senator Mansfield seconded that sentiment, pointing out that U.S. involvement in the war had ended when it did, averting even greater casualties,

> because Congress was unwilling to give the executive branch a blank check in providing the closeout funds. Congress insisted not only on the withdrawal of American personnel but on the speedup of that withdrawal as a precondition of further appropriations. Working with the Congress, . . . the President moved the executive branch to proceed on that basis. . . .

Drawing a lesson from this experience, Senator Mansfield stressed

> the importance of the closest collaboration between the President and the Congress. It was the decisive factor in this situation. . . . In moments of crisis, at least, the President and the Congress cannot be adversaries; they must be allies who, together, must delineate the path to guide the nation's massive machinery of government in a fashion which serves the interests of the people and is acceptable to the people. [13]

Mr. President, this was one of the most significant episodes in our country's history. I have repeated Senator Mansfield's words here because I believe they are still meaningful, still worth taking the time to read and to contemplate. As we toil in the post-Vietnam era and struggle to interpret the legacy of that ill-fated war, we have much to learn from the words of our prophets—a title for which Mike Mansfield is amply qualified.

CHAPTER 38

Watergate
1969–1974

February 17, 1987

Mr. President, historians are constantly rewriting our history. The passage of time helps them to better assess the impact of events. New research reveals previously unknown information that changes our views of the past. New interests stimulate us to examine groups and issues we previously overlooked. Primarily, however, history is rewritten to make the past more meaningful to the present. Seeking to explain current events—bewildering as they can be and often are—we turn to the past to uncover the roots of present problems and to reexamine the historical players and the decisions they made; thus, different generations form different opinions about the past. Such constant reevaluation may frustrate those who search for "definitive" or "objective" history, but the reevaluating is exactly what brings history to life and makes it so fascinating.

Take the history of congressional investigations. Were I speaking in the 1950's, I would undoubtedly draw my text from Alan Barth's *Government by Investigation* and Telford Taylor's *Grand Inquest,* two intensely critical studies of investigations by Congress. These books were the products of their time. When Telford Taylor damned congressional investigations as "a most potent and versatile engine of destruction," he had in mind the then-recent activities by Senator Joseph McCarthy, the Senate Internal Security Subcommittee, and the House Un-American Activities Committee.[1] Thirty years later, scholars have reached vastly different, more respectful attitudes towards investigations, as demonstrated by the essays presented in a five-volume series *Congress Investigates,* edited by Arthur Schlesinger, Jr.[2] What accounted for this change? Clearly, it was mainly the Watergate investigations by the Ervin committee in the Senate and the Judiciary Committee in the House. Watergate showed the vital necessity of congressional investigations and stimulated historians to reinterpret past investigations in this new light.

These days, more than a decade after that investigation, *Newsweek* magazine informs us that Richard Nixon is back, and Hofstra University is sponsoring a retrospective conference on Nixon's presidency. For a whole generation of young Americans, Watergate has receded into the mists of history, along with the Tweed Ring, Crédit Mobilier, Teapot Dome, and other events of which they have heard but would be hard-pressed to define. Recently, a history professor and his family went to see the movie *Heartburn*. As they were leaving the theater, his wife mentioned that one of the characters was based on Carl Bernstein, one of the *Washington Post* reporters who broke the story on the Watergate scandal. Their twenty-year-old son asked, "Who is Carl Bernstein?" He remembered Watergate, in general, but the details escaped him.

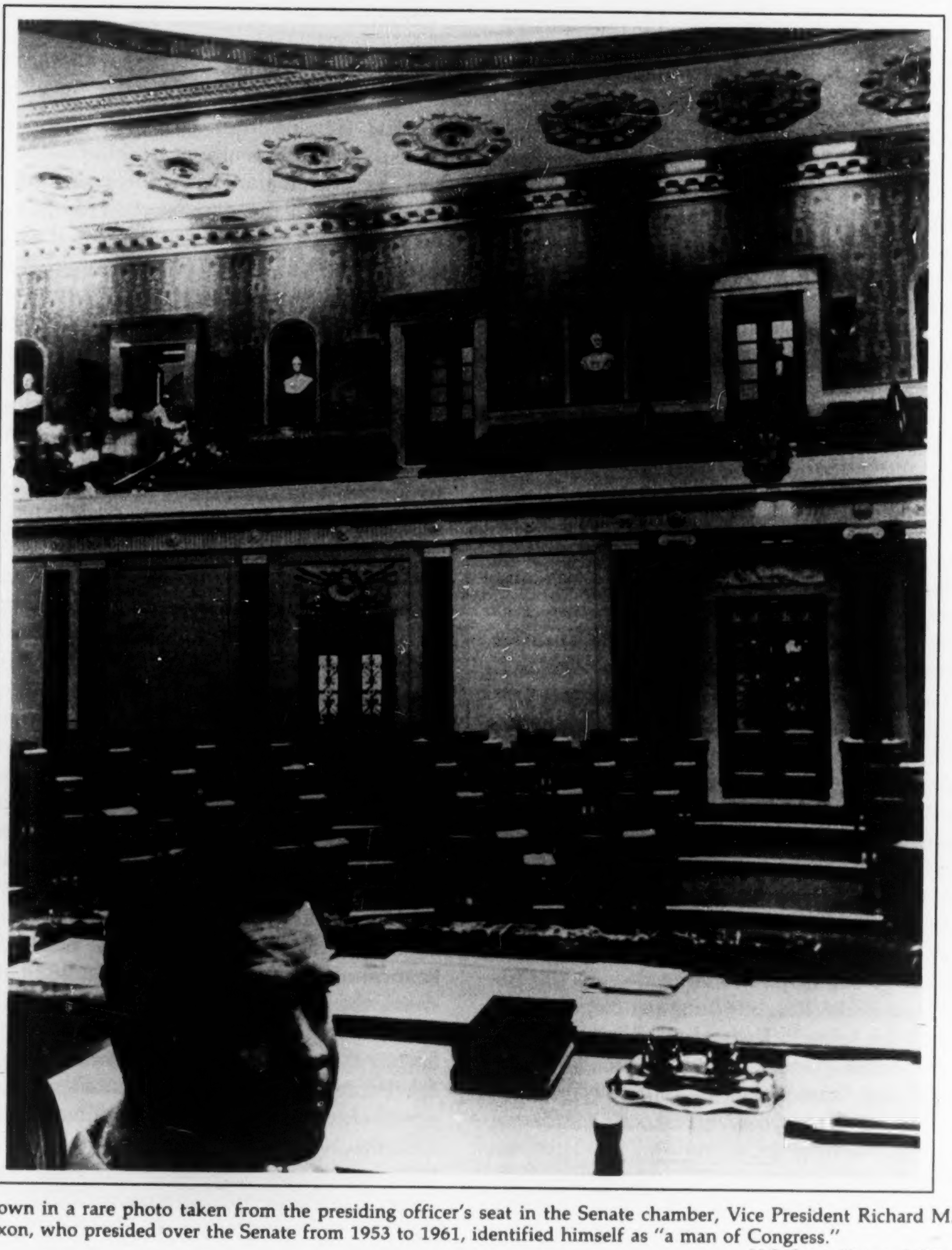
Under such circumstances, it seems appropriate to devote one of the speeches in my continuing series on the history of the United States Senate to Watergate. No matter what one thinks of Richard Nixon, he implanted his name on the history of his time. Between 1952 and 1972, he appeared on all but one of the presidential ballots, a record unmatched by any other individual in American history. Much of his long and controversial career was associated with the Senate. Although he served just two years as a United States senator from California, he spent eight vice-presidential years as president of the Senate.

When I came to the Senate in 1959, I was sworn in by Vice President Nixon. Later, during his five years as president, he sparred frequently with the members of this body, and it was the Senate investigation into Watergate that led to his resignation.

Ironically, Richard Nixon's political career was begun and ended by congressional investigations. When he arrived here in 1947 as a freshman member of the House of Representatives, Nixon was appointed to the House Un-American Activities Committee. It was during that committee's investigation of accusations brought by Whittaker Chambers against Alger Hiss that Nixon had become convinced of Chambers' truthfulness and had stuck with him even after others had given up. Nixon's persistence seemed ultimately vindicated when Hiss was convicted of perjury. The Hiss case propelled the young congressman into a race for a Senate seat, which he won after a memorably rancorous campaign. Two years later, at the age of thirty-nine, Nixon was chosen to run for vice president on Eisenhower's ticket—only six years after his first race for public office!

There was something strangely addictive about Richard Nixon—something which drew the press, politicians, and voters back to him time after time, no matter how often they swore him off. He survived one crisis after another, fending off accusations and embarrassments that would have destroyed other politicians. Not for nothing did he name his first memoir *Six Crises*. After losing the presidency in 1960 and the governorship of California in 1962, he announced to the press that they would not have Richard Nixon to kick around any more because he was retiring from politics; then, remarkably, he rose from the ashes, fashioned a "new Nixon," and won the presidency in 1968. A man of breathtaking political boldness, Nixon was reminiscent of some of the earlier American political leaders whom I have discussed in this series, particularly Aaron Burr and James G. Blaine. Brilliant, ambitious, immensely capable, but hardly scrupulous men, each came close to mastering the political scene of his era by breaking the established rules of the game. Each, in turn, was brought down largely by his own doings.

Watergate was Nixon's Waterloo, although he never gave much evidence of fully comprehending the magnitude of that scandal. Not long ago, the National Archives released a tape recording of one of President Nixon's conversations with Rabbi Baruch Korff in 1974. In this tape, the president dismissed Watergate as "the thinnest scandal in American history." [3] Just three months later, Mr. Nixon became the first president in our



Shown in a rare photo taken from the presiding officer's seat in the Senate chamber, Vice President Richard M. Nixon, who presided over the Senate from 1953 to 1961, identified himself as "a man of Congress."

U.S. Senate Historical Office

history to resign from office. He realized that the House would impeach him, and that the great majority of senators, Republicans and Democrats alike, would convict him and remove him from office. Nixon was not alone in his confusion; almost everyone found it hard to fathom the motivations behind Watergate. Why would a president on the brink of a landslide reelection gamble it all with a "third-rate burglary"? What could the Watergate conspirators have hoped to accomplish that night at the Democratic National Committee? Did Nixon know of the scheme, or was it something concocted by his subordinates? Hence, the familiar question which Senator Howard Baker asked, "What did the president know, and when did he know it?"

Mr. President, to understand Watergate and to be fair to Richard Nixon, I would like to review the larger social and political scene in America during the years immediately prior to that ill-fated burglary. The Vietnam War was still raging, a terrible war that transformed Lyndon Johnson from a popular president to somewhat of a national outcast. The war divided Congress and the society as a whole into "hawks" and "doves." Antiwar sentiments spread widely, especially on the college campuses where students and faculty held teach-ins, seized Reserve Officers Training Corps buildings, and occupied the offices of college presidents. Rioters burned our cities. Assassinations deprived us of some of our inspirational leaders. A disillusioned generation of young people, once excited by John F. Kennedy's call to national and international service, now "dropped out" and "turned on." A counterculture escaped into drugs, rock music, and communal living. Meanwhile, a conservative backlash developed in response to the campus disturbances, the "black power" movement, and hippie lifestyles. Confrontations took place between antiwar demonstrators and "hardhats" and between flag burners and flag wavers. The nation seemed to be unraveling.[4]

Against this fiery backdrop, the 1968 presidential election took place with Richard Nixon, Hubert Humphrey, and George Wallace as the major contenders. Although Nixon ran well ahead in the polls for most of the campaign, Humphrey closed the gap during the final weeks. Election night was a cliffhanger, and, not until the next morning, when the final results from Illinois came in, did we know for sure that Richard Nixon had been elected. His popular vote lead was only a half million out of sixty-three million votes cast. In his moment of triumph, Nixon recalled a sign held by a small girl at one of his rallies, a sign that read "Bring Us Together." As a nation, we fervently hoped that he could bring us together.

During his campaign, Nixon alluded to a secret plan to end the war; and, as president, he instituted a "Vietnamization" program to withdraw American troops gradually. But, not only did the war continue during Nixon's administration; it also spread across the borders into Laos and Cambodia. Massive demonstrations against the war took place in Washington and across the nation. Nightly coverage on evening news broadcasts kept the war constantly before the public. Revelations of the Mylai massacre deeply shocked Americans and further undermined popular support for the war. Publication of the Pentagon papers in 1971 also shook the Nixon White House, which established a special unit known as the "Plumbers" to clamp down on government leaks. In the White House, a siege mentality developed which presidential aide William Safire described as an "us" versus "them" way of thinking.[5] The president's counsel, John Dean, saw the roots of Watergate in this attitude. In testimony before the Ervin committee, he said:

> To one who was in the White House and became somewhat familiar with its innerworkings, the Watergate matter was an inevitable outgrowth of a climate of excessive concern over the political impact of demonstrators, excessive concern over leaks, an insatiable appetite for political intelligence, all coupled with a do-it-yourself White House staff, regardless of the law.[6]

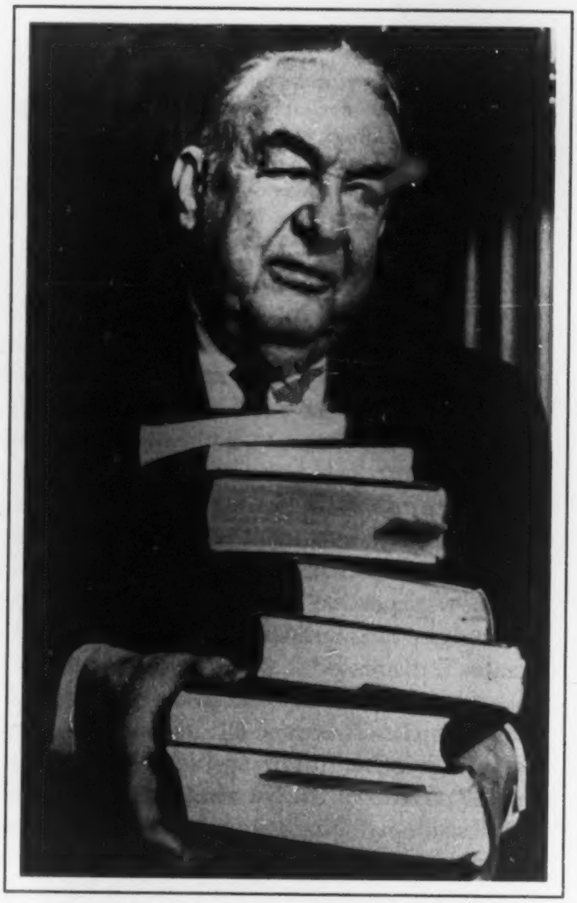
During 1971 and 1972, Nixon aides initiated or participated in a series of break-ins, wiretaps, and "dirty tricks," all in the name of national security, but really to promote the reelection of the president. The bungled burglary at the Democratic headquarters on June 17, 1972, was not an isolated incident, but part of a whole chain of illicit episodes. In his memoirs, President Nixon insisted that he first learned of the break-in when he read the newspapers at Key Biscayne the next morning. "It sounded preposterous," he wrote. "I dismissed it as some sort of prank." However, days later, the president learned from his closest aide, H.R. Haldeman, that the break-in had involved "someone who is on the payroll of the Committee to Re-Elect the President." Nixon immediately saw the situation in terms of public relations. As he recorded in his diary, "The problem here, of course, is to get somebody on the PR side who will get out some of the negatives on the other side like this, so that this story just doesn't appear to be a clumsy attempt on our part to get information illegally from the Democrats." [7]

Nixon's reaction was shared widely in Washington and across the nation. Few people could believe that the president, with his commanding lead in the polls, would jeopardize his position with such an inept and bungled operation. Washington's more prestigious journalists did not see much of a story there, and it fell to two *Washington Post* junior reporters on the local staff to make the first public connection between the Watergate burglars and the White House staff. Soon, we all came to know the names of Bob Woodward and Carl Bernstein and avidly read their bylines in the *Post*. Senator George McGovern, the Democratic candidate for president, tried his best to make Watergate a campaign issue but never generated much enthusiasm for it. On election day, Nixon romped to one of the greatest landslide victories in presidential history. But this strange, unhappy man found little gratification or fulfillment in either the campaign or its results. In his memoirs, Nixon described the campaign as "one of the most frustrating and, in many ways, the least satisfying of all." Recalling election night, Nixon added, "I am at a loss to explain the melancholy that settled over me on that victorious night." Perhaps, he recognized more than did the rest of us how much the cloud of Watergate hung over his presidency.

After his reelection, Richard Nixon went off to Camp David to brood about the next four years. As he saw it, "At the beginning of my second term, Congress, the bureaucracy, and the media were still working in concert to maintain the ideas and ideology of the traditional Eastern liberal establishment that had come down to 1973 through the New Deal, the New Frontier, and the Great Society." Now, Nixon intended to implement the more conservative ideals of what he called the New Majority. Congress had resisted his plan to reorganize the federal government, he believed, but, during his second term, he would triumph, one way or another. "I was a man of the Congress and I was proud of the fact," Nixon wrote. "But by 1973 I had concluded that Congress had become cumbersome, undisciplined, isolationist, fiscally irresponsible, overly vulnerable to pressures from organized minorities, and too dominated by the media."

"My reading of history," Nixon explained in his memoirs, "taught me that when all the leadership institutions of a nation become paralyzed by self-doubt and second thoughts, that nation cannot long survive unless those institutions are either reformed, replaced, or circumvented. In my second term, I was prepared to adopt whichever of these three methods—or whichever combination of them—was necessary." [8] Quite clearly, President Nixon set out to circumvent Congress. He impounded funds that Congress appropriated and began dismantling the Office of Economic Opportunity, ignoring the laws that created it. He conducted an interventionist foreign policy with minimum consultation with congressional leaders and denied Congress necessary information by an extensive use of executive privilege and presidential secrecy. Many members of Congress fretted over the growth of the "imperial presidency" during the Nixon administration without knowing how to respond. The president seemed destined to get his way. As Professor Arthur Schlesinger has written, "Had Nixon succeeded in imposing these doctrines [of impoundment of appropriated funds and unreviewable executive privilege] on top of his amplified claims for the presidential war-making power, he would have effectively ended Congress as a serious partner in the constitutional order." [9]

When the Ninety-third Congress convened in January 1973, Watergate loomed at the top of its agenda. Although the scandal had not affected the president's reelection, newspaper stories during the interim continued to link the Committee to Re-Elect the President with the Watergate burglars—who were then on trial in the court of Judge John Sirica. Senator Edward Kennedy had already been investigating Watergate through his Judiciary subcommittee, but Majority Leader Mike Mansfield felt strongly that the investigation should be headed by a senator who was not a potential presidential candidate. When Senate Resolution 60 established a Select Committee on Presidential Campaign Activities, Mansfield persuaded the venerable Sam Ervin—a nineteen-year Senate veteran from North Carolina—to serve as its chairman. Other Democratic members included Senators Herman Talmadge, Daniel Inouye, and Joseph Montoya. Senators Howard Baker, Edward Gurney, and Lowell Weicker represented the Republicans. Senator Ervin selected Georgetown Law School professor Sam Dash as chief counsel, and Senator Baker appointed Tennessee attorney Fred Thompson as the minority counsel. Both of these counsels, by the way, have written useful memoirs of their experiences



Sam Ervin, defender of the Constitution, was an inspired choice to chair the Watergate committee.
Martin Luther King Library

on what became known as the Ervin committee or Watergate committee.[10]

By all accounts, the choice of Sam Ervin to chair the investigation was an inspired one. Senator Ervin had deep respect from both sides of the aisle in the Senate as a defender of the Constitution. As his biographer later wrote:

> . . . in a few short weeks, this self-proclaimed country lawyer with his bottomless barrel of aphorisms from Shakespeare, the Bible, and the North Carolina mountains, became a national symbol of decency and fairness in politics, the embodiment for many of wisdom, a genuine American folk hero.

Senator Ervin was not afraid to follow any lead, to go anywhere the investigation led.

> A lot of people say, well the government is coming to a standstill and you'd better be careful about how much truth you find out; you don't want to wreck the government. They say if you find the truth is leading too close to the President, you must suppress the truth because it's necessary to have a stable government.
>
> In reply to that, I would say that I don't think you can found a government on the suppression of truth; I don't think a government or an institution of that nature will endure very long.[11]

When the Watergate committee began its work, it faced the ominous hurdle of executive privilege. President Nixon gave every indication of using this murky prerogative to prevent the Senate committee from examining relevant documents and questioning administration officials. As Professor Philip Kurland has written: "The White House was convinced, and with good reason, that the greatest threat to any disclosure of malfeasance was to be found in the committee. And so President Nixon and his staff made every effort to frustrate and undermine the committee's activities."

"I'm satisfied that executive privilege does not cover wrongdoing," said Senator Ervin. "The only thing in the Constitution that covers wrongdoing is the self-incrimination clause, and if any of the White House aides wish to come down and plead the Fifth Amendment, why the committee will honor the plea."[12]

On March 2, 1973, President Nixon announced that he would assert executive privilege to prevent White House Counsel John Dean from appearing before the Ervin committee. The Senate Judiciary Committee, which was then holding hearings on the nomination of L. Patrick Gray to succeed J. Edgar Hoover as director of the FBI, suggested that it would delay Gray's confirmation until Dean testified. The White House, deciding that Mr. Gray was dispensable, refused to comply. They let him hang there and "twist slowly, slowly in the wind," as John Ehrlichman later so chillingly testified.

Mr. President, I was not a member of the Watergate committee but I did serve on the Senate Judiciary Committee. I felt, as I said at the time, that the Watergate cloud hung heavily over Mr. Gray, and that he did not deserve such an important post until he had made a full accounting of his relationship with the White House and with the Watergate inquiry. On February 28, 1973, I got Mr. Gray to admit that the records of the FBI's probe into Watergate had been turned over to the president's counsel, Mr. Dean, and that Dean had been present when FBI agents interrogated other White House staffers. But, as I pointed out, Mr. Gray had previously testified that, after the Watergate break-in, two of Dean's aides had searched E. Howard Hunt's office in the Old Executive Office Building (which is located next to the White House and used as an extension of White House offices) and had turned the contents from Hunt's safe over to Dean. Yet, two days later, during an FBI interview, Dean denied knowing whether Hunt had an office at the White House. I asked Mr. Gray if Dean had lied to the FBI agents, and he answered that "that judgment probably is correct." The FBI acting director's admission, in turn, made John Dean decide that he must testify before the Ervin committee, which, I believe, was a major turning point in the investigation. (President Nixon later withdrew Mr. Gray's nomination as FBI director.)

Other circumstances also convinced John Dean to cooperate with the committee. On March 23, Judge John Sirica handed down maximum sentences to the Watergate burglars; however, Judge Sirica shrewdly made these sentences provisional to encourage the defendants to cooperate with the federal grand jury investigating the larger implications of Watergate. One of the defendants, James McCord, met with the Ervin committee's special counsel, Sam Dash, to provide evidence of White House complicity, specifically against John Dean and Jeb Stuart Magruder, deputy director of the Committee to Re-Elect the President (known by its appropriately ominous acronym of CREEP). Days later, McCord testified before a closed session of the Ervin committee, providing significant information about payoffs from CREEP to the Watergate burglars for their silence.[13]

Before Dean and Magruder would testify, they demanded immunity from prosecution or else they would exercise their constitutional rights under the Fifth Amendment. Special Prosecutor Archibald Cox would have preferred that the committee postpone its hearings until judicial proceedings could begin, but the Ervin committee voted to continue hearings on the grounds that informing the nation took precedence over courtroom needs. Cox then asked that the court grant immunity only on the condition that Dean and Magruder be prohibited from testifying at a televised session. The committee responded that the court had no such authority, under separation of powers. Judge Sirica ruled on behalf of the committee. "In hindsight, perhaps even Cox would agree that the televised testimony of Dean and Magruder produced far more good than harm," wrote James Hamilton in his study of congressional investigations, *The Power to Probe*. "It was the testimony of these two men that first helped the nation understand the extent of the Watergate affair and the moral rot in the White House." [14]

With Dean and Magruder prepared to testify, the White House made a dramatic attempt at "damage control." On April 30, in a nationally televised address, President Nixon announced that he was accepting the resignations of his closest aides, H.R. Haldeman and John Ehrlichman, as well as Attorney General Richard Kleindienst, and implied that he had fired John Dean. These moves hardly ended the Watergate inquiry; instead, they revealed the significance of the charges and made the press and public even more eager for full disclosure. In this highly charged atmosphere, the Ervin committee opened its public hearings on May 17, 1973, in the Caucus Room of the Russell Senate Office Building. Senate staff, the press, and the public vied for space in that normally spacious room, while at home the nation watched on television.

Senator Ervin opened the proceedings solemnly. "If the many allegations to this date are true, then the burglars who broke into the Democratic National Committee at the Watergate were, in effect, breaking into the home of every citizen of the United States," he said. "And if these allegations prove to be true, what they were seeking to steal were not the jewels, money or other property of American citizens, but something more valuable—their most precious heritage: the right to vote in a free election." The committee then heard startling evidence from a string of witnesses. James McCord produced the first "bombshell" by telling of a series of clandestine meetings with Jack Caulfield, an administration official, who had sought his silence

John Dean's testimony before the Watergate committee shocked the nation. *U.S. Senate Historical Office*

with promises of executive clemency. A former New York policeman, Tony Ulasewicz, provided some comic relief with his own version of secret meetings and anonymous telephone calls, but Ulasewicz confirmed that the offer of executive clemency had been made on the instructions of the president's counsel, John Dean. The committee also heard how Hugh Sloan, treasurer of CREEP, had been pressured to cover up the cash payments he made to the Watergate defendants.[15]

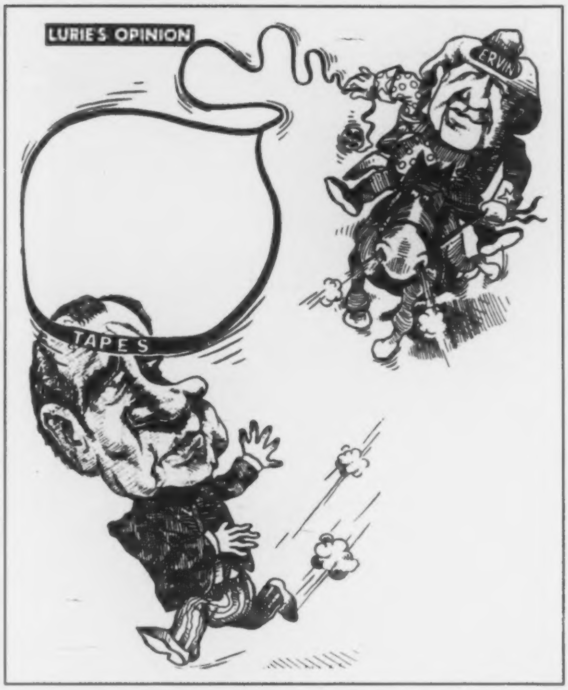
By now, it was clear that Dean would be a star witness, and that the success or failure of the hearings might depend upon his candor and credibility. On the advice of counsel, Dean had prepared a 245-page statement recalling all that he could about Watergate and its cover-up. Dean admitted his own role and his personal use of campaign finances but, more significantly, he outlined the inner history of the White House response to Watergate. Dean began his public testimony on June 25, and it took him a full day to read his statement.[16]

Although Dean was simply reading a statement without cross-examination from the committee, his testimony was riveting and his revelations shocked the country. According to Sam Dash, "It presented a devastating mosaic of intrigue, illegality and abuse of power participated in by the highest officials in government, including the President of the United States." And the criminal activity was more serious than the Watergate burglary. The president had "authorized illegal police-state methods and had abused the power of executive law enforcement agencies to crush dissent and to destroy his enemies." In his statement and testimony, Dean specifically implicated Attorney General John Mitchell and Haldeman and Ehrlichman in the cover-up attempts to buy the Watergate burglars' silence. Sam Dash asked him, "Frankly and honestly, Mr. Dean, when you left the president on September 15 [1972], did you just have an impression as to his knowledge of the cover-up, or did you have a conviction concerning that?" Dean quietly replied, "Mr. Dash, there was no doubt in my mind that the president was aware of it."

Public opinion polls showed that 70 percent of the American people believed that John Dean was telling the truth, but the committee still needed to find corroborating evidence, especially as it faced more hostile witnesses, notably former Attorney General John Mitchell, H.R. Haldeman, and John Erhlichman. In a closed-door session, Sam Dash reported to the committee that the president had invoked executive privilege and denied his request for relevant documents. Several senators recommended issuing the president a subpoena. Senator Howard Baker, the ranking Republican, objected and suggested that the committee arrange a meeting with the president. "I think if you explain the committee's need of these papers to the President, personally, he's going to give them to us," and added that the chairman should call the president and urge such a meeting. With all of the committee members gathered in Senator Ervin's office, the chairman put through the call. The others could hear only the chairman's side of the conversation, but, when he hung up, with a flushed face, Ervin told them: "You know, the President was shouting at me on the other side of that telephone that all we wanted to do is to get him. He kept repeating it, and I could hardly talk to him. But he did agree to a meeting next week." That same day, they learned that Nixon had entered the hospital; his doctors reported he was suffering from pneumonia.[17]

The next day, the Watergate investigation took another dramatic, unexpected turn. The staff had been conducting painstaking interrogations of subordinates in the Nixon White House and the Committee to Re-Elect the President, checking one set of testimony against another for inconsistencies. Two young majority staff members, Scott Armstrong and Gene Boyce, were questioning Federal Aviation Administrator Alexander Butterfield, a former White House official. Howard Liebengood, then one of Senator Baker's staff on the committee, felt the minority should have someone present during the interrogation and sent Don Sanders. After Armstrong completed some three hours of questions, Sanders added one of his own: "John Dean has testified that at the end of one conversation with the president he was taken to a side of the Oval Office and addressed by the president in a very low voice concerning a presidential exchange with [Charles] Colson about executive clemency. Do you know of any basis for the implication in Dean's testimony that conversations in the Oval Office are recorded?" Butterfield surprised the three men by responding that he had worried that this question would be asked and then proceeded to tell them of an elaborate recording system in the president's office and other White House locations. Thus, ironically, a question from a Republican staff member uncovered the most important piece of evidence, the White House tapes that would implicate Richard Nixon in the Watergate cover-up and end his presidency.[18]

While Butterfield's admission made the committee's case, it also diverted attention from the hearings to the efforts to obtain the tapes and to learn what was on them. As Professor Kurland has noted, the tapes made even the testimony of Haldeman and Ehrlichman seem "anticlimactic." Both men disclaimed knowledge of, or responsibility for, the events surrounding Watergate, but nobody believed them; nor did many believe their claims that the president was innocent



Ervin chases Nixon in cartoonist Lurie's depiction of the Watergate investigation. *Ranan Lurie*

of knowledge of, or involvement in, the affair. The Senate Watergate committee hearings recessed in August and resumed again in September, but they never again captured the attention they attracted during John Dean's testimony. Other events predominated: the "Saturday Night Massacre," in which Attorney General Elliot Richardson resigned rather than carry out President Nixon's order to fire Special Prosecutor Archibald Cox (Nixon objected to Cox's persistent efforts to obtain the White House tapes); the resignation of Vice President Spiro Agnew over an unrelated case of bribery and income tax evasion; Nixon's release of an edited version of the tapes (one with a mysterious eighteen-and-a-half-minute gap); the efforts of the new special prosecutor, Leon Jaworski, to see the unedited tapes; and, on July 24, 1974, the Supreme Court's unanimous decision in *United States* v. *Nixon* that executive privilege did not entitle the president to withhold his tape recordings from a criminal proceeding. That same day, the House Judiciary Committee took up articles of impeachment against President Nixon.

The opening of the White House tapes provided the "smoking gun" that had been missing from the Watergate investigation: the direct link between the president and the cover-up. A tape recording on June 23, 1972, six days after the Watergate break-in, revealed that Nixon and Haldeman conspired to use the Central Intelligence Agency to head off a Federal Bureau of Investigation look at the burglary. This revelation eroded what little was left of the president's support on Capitol Hill, and his impeachment and removal seemed a foregone conclusion. Nixon chose to resign, instead, on August 9, 1974.

In contrast to these momentous events, publication of the Watergate committee's final report in June 1974 was a modest happening, but the 1,250-page report became the most detailed chronicle of the wrongdoing in the Nixon administration. The report also proposed certain reforms to avoid—or at least to deal with—future Watergates. One of these reforms was the law which currently permits the attorney general to request appointment of an independent counsel—in effect, a special prosecutor. This provision has gone into effect several times subsequently during the Carter and Reagan administrations. Several other important reforms grew out of the Watergate investigation, even though they were not directly the product of the Ervin committee. The War Powers Resolution of 1973, which Congress passed over President Nixon's veto, set a sixty-day limit on any presidential commitment of U.S. armed forces to hostilities, or situations where hostilities might be imminent, unless Congress declared war, specifi-

Senator Howard Baker, *left,* shown with Senator Sam Ervin, *center,* asked the pertinent question: "What did the president know, and when did he know it?"
U.S. Senate Historical Office

cally authorized continuation of the commitment, or was physically unable to convene due to an armed attack upon the United States. The resolution required the president to report to Congress in writing within forty-eight hours of committing or substantially enlarging U.S. combat forces abroad, except for deployments related solely to supply, replacement, repair, or training. The Congressional Budget and Impoundment Control Act of 1974 provided a mechanism for Congress to force the spending of appropriated monies that the president might try to impound. These bills significantly advanced the reassertion of congressional power and authority, but neither bill would have been possible without the revelations of Watergate.

While the Watergate investigation destroyed many reputations, it also drew national attention to the purposes and positive accomplishments of congressional investigations and to the ability of the committee members. Senator Sam Ervin became a national hero, a new Uncle Sam, who stood for honesty and principle.[19] The ranking Republican, Howard Baker, also emerged from his difficult assignment with deep respect, from the Senate and the nation, which helped launch his later career, first, as Minority Leader and, subsequently, as Majority Leader of the United States Senate.

At the height of the Watergate scandal, some of President Nixon's defenders warned that such intense congressional scrutiny would destroy not only Richard Nixon but the presidency as well. Those fears did not materialize. Few scholars have done more to promote the concept of a strong presidency in their writing than has Arthur Schlesinger, Jr., but as Professor Schlesinger reminds us in his most recent book, *The Cycles of American History*, "the Constitution intends a strong Presidency within an equally strong system of accountability."[20] Accountability is the very heart of our system of checks and balances, and congressional investigations provide an important mechanism for its achievement, by checking the abuses of executive power and proposing legislative remedies. The Watergate committee, through its seriousness, diligence, and ultimate success, reminded us of this truth and continues to serve as a model for our times.

CHAPTER 39

The Contemporary Senate

December 15, 1987

Mr. President, for over seven years, I have delivered a series of addresses in this chamber on the history of the United States Senate. More recently, at the encouragement of my colleagues, I have consented to the collection and publication of these addresses in commemoration of the Senate's two-hundredth anniversary. Under the sponsorship of the Senate Bicentennial Commission, the first volume will contain thirty-nine of the speeches I have given.

In these speeches, I have wanted to share with other senators, and with all those who read the *Congressional Record,* my own awe of this institution, my admiration for the distinguished men and women who have served here, and my enjoyment of the many wonderful stories about senators and the Senate. I have endeavored to present the Senate's history in an objective, nonpartisan, lively, and meaningful fashion. Now, these were not easy tasks. Objectivity is a goal for which one can aim, but everyone views the past from his own subjective perspective. My heroes might be another person's villains, and the triumphs that I celebrate might be someone else's defeats. As for a nonpartisan account, I have done my best to treat Republicans as fairly as I have treated Democrats—and, for that matter, Federalists, Whigs, Free-Soilers, Know-Nothings, Populists, and Progressives.

To preserve the nonpartisan nature of the series, and to gain some historical perspective, I have emphasized men and events of the distant past rather than the more recent past. Even talking about what took place ten or twenty years ago, like the Vietnam War or the Watergate scandal, involves issues that still stir political and emotional passions. For those of us who lived through these events, and played some role in them, it is immensely difficult to adopt a dispassionate and objective point of view about them. Only the passage of time will sharpen our vision. Still, I hold that it is important for us to try, if we are to learn our lessons from our nation's past and present, and if we are to apply them to our future.

So now, I shall conclude the chronological portion of my history of the United States Senate by briefly commenting on the Senate's recent past. I shall make particular reference to relations between the legislative

President Gerald Ford returned to the House chamber, where he had served as Republican leader, accompanied by Senate leaders Robert C. Byrd, Hugh Scott, and Mike Mansfield.

Office of Senator Robert C. Byrd

branch and the executive branch under our treasured constitutional system of checks and balances.

Earlier, I spoke of the 1974 resignation of President Richard Nixon, in the face of impeachment; now, I shall focus on the Senate during the era of Presidents Gerald Ford, Jimmy Carter, and Ronald Reagan. These times and these men are so recent that they belong more to the realms of journalism and political science than to history, but when we contemplate that there are now in the Capitol and Senate office buildings marble and bronze busts of Henry Jackson, Hubert Humphrey, and Gerald Ford, then we realize how fine is the line between ourselves and history.

After the dramatic clash between Congress and Richard Nixon over Watergate and other trappings of the "imperial presidency," the United States entered an era in which Congress reasserted its power and authority. With varying degrees of intensity and success, this reassertion continued under the next three presidents, regardless of their party, and was highlighted most recently in the final report of the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition.[1]

The Watergate crisis brought home to members of Congress the realization of how unbalanced and unchecked presidential powers had become. For years, presidential actions had circumvented Congress, kept Congress in the dark about major foreign policy initiatives, and frustrated congressional intentions in a wide range of areas from the use of American troops abroad to the spending of federal funds at home. As a result, the presidents who followed immediately after the Watergate crisis faced a Congress determined to exert its influence on policy and unwilling to march unthinkingly in step behind presidential dictation.

This resistance first confronted a president who had come almost directly out of Congress—Gerald R. Ford. A twenty-five-year veteran of the House of Representatives, Ford had served for a decade as House Republican leader. He knew the institution very well, and was well liked and respected by its members. Nevertheless, he had spent all but two of his years in Congress as a member of the minority, and had routinely led the opposition to majority-sponsored initiatives. He would find it a far different task to win enactment of legislation than to block it.

For his part, Ford did all he could to reestablish good relations between the White House and Capitol Hill. Appearing before a joint session shortly after becoming president, he addressed us as "my former colleagues." He promised that his motto toward Congress would be "communication, conciliation, compromise and cooperation." President Ford had a realistic view of Congress. He liked to recall the words of his Senate counterpart, Everett Dirksen, that "Congress is like a waterlogged scow. It doesn't go fast, but it doesn't sink."

Gerald Ford soon found that Congress looked different when viewed from the other end of Pennsylvania Avenue. In his autobiography *A Time to Heal,* Ford wrote, "When I was in the Congress myself, I thought it fulfilled its constitutional obligations in a very responsible way, but after I became President, my perspective changed." Now it seemed to him that Congress had disintegrated as an organized legislative body, that it had become excessively fragmented, and that it too often responded to single-issue special interest groups rather than addressing national problems in a coherent way. Was that so? Perhaps, Mr. President, the reality was simply that Ford's program did not appeal to the majority in Congress, and that he was unwilling to accept the majority's program.

President Ford admitted that his program, particularly on economic issues, was similar to President Nixon's, but he believed that, while Nixon's "relations with Capitol Hill had been terrible, mine were excellent and I hoped this good will might help get those proposals through." [2] In fact, the Ford years saw far more conflict than cooperation between the executive and legislative branches. The Democrats' majorities in both houses of Congress had been strengthened by the post-Watergate elections, and the majority had its own legislative agenda.

Both the Congress and the president were deeply concerned about the sharp recession that the nation had entered in 1974, but they responded very differently. Congressional Democrats worried about the high levels of unemployment and declining productivity. These problems appeared to trouble President Ford less than did inflation. Thus, when Congress passed social-welfare programs, Ford vetoed them. In his brief two-year presidency, Ford vetoed sixty-one bills. Congress overturned twelve of thoses vetoes, more overrides than for any president since Andrew Johnson. Yet, many important domestic initiatives came to a dead end on the president's desk.

These vetoes hurt President Ford's campaign for election in his own right, for they put him on record in opposition to issues that a large portion of the electorate favored. The efforts of the Democratic majority in Congress, therefore, helped to boost the chances of the Democratic candidate in 1976. But, while a number of prominent members of Congress had run for the nomination—men like Henry Jackson, Frank Church, Birch Bayh, and Morris Udall—the winning candidate was an "outsider" who ran against the Washington "establishment."

Jimmy Carter gave little indication that he recognized the assistance that Congress had given his campaign. In his own memoirs, Carter admitted that, when he came to Washington, he "did not know many of the senators or representatives on Capitol Hill and had not spent much time studying about them." This quickly became evident to members of Congress as well.

President Carter noted that "most of the Democratic members had never served with a President of their own party, and their attitude was one of competition rather than cooperation with the White House." He was technically correct, although the statement is somewhat misleading. In fact, about half of the Democratic senators—twenty-seven out of sixty-one—had served during the Johnson administration, including all of the committee chairmen. While these senators were veterans of the many skirmishes with the Nixon and Ford administrations, they did have clear expectations about dealing with a president of their own party. From the start, the leadership in both the House and Senate tried very hard to steer President Carter in the right direction if he wished to build a harmonious relationship with Congress.

"Jimmy Carter was the smartest public official I've ever known," former Speaker Tip O'Neill has written in his memoirs *Man of the House*. But, he added, "when it came to the politics of Washington, DC, he never really understood how the system worked." [3] In his own memoirs *Keeping Faith*, President Carter wrote that he "had not been in office a week before the top Democratic leaders in both houses, Speaker Tip O'Neill and Majority Leader Robert Byrd, were complaining to the press that they were not adequately consulted. It seemed that Congress had an insatiable desire for consultation, which, despite all our efforts, we were never able to meet." Reading on, Carter described the Senate Democratic Leader as "strong, able, and proud. . . . Senator Byrd did his homework; he was slow to make a commitment but absolutely trustworthy when he gave his word." And he added, "I paid for my mistake whenever I inadvertently slighted him." [4]

Inadvertent slights were not the problem. The message that the Democratic leaders in the Senate and House were trying to get across to the Carter White House was about appreciating the institution of Congress and how it works; about working with Congress rather than fighting against it.

President Carter came to office with a very ambitious program. He had no patience for delay or deliberation and he disliked compromising. Instead of focusing his energy and congressional attention on one or two major issues at a time, Carter presented Congress with a host of complex and controversial issues: among them, energy, budget, taxes, civil service reform, the Strategic Arms Limitation Treaty, and the Panama Canal treaties.

Within a few months after taking office, the president was bristling over congressional amendments to his energy program. At that time, I advised Mr. Carter to "cool it just a bit at this stage and let the process work." I considered it unfair for the president to blame committee changes in his bill on industry lobbying, and I pointed out that the most powerful and active lobby with which any committee had to deal was the executive branch. When White House lobbying failed, then presidents had a habit of making Congress "the butt of unfair criticism." [5]

President Carter relished a good fight and never hesitated to take on powerful chairmen from his own party. High on his agenda was the elimination of many federal water projects, which he viewed as "pork barrel" wastefulness. "Other recent Presidents, graduates of the congressional system, had looked on the procedure as inviolate," he wrote. "I did not, and dove in head first to reform it." At heart, this was a good cause, for there were, indeed, obsolete and unnecessary projects contained in the bill. But many of these water projects were vitally important to members' home states and had gained the support of senators and representatives from both parties, of all ideological persuasions. Instead of marshaling his forces against the worst excesses of the pork barrel, and building support on a case-by-case basis, Carter leveled his fire at the whole package, thereby alienating more members

Senator Robert C. Byrd urged President Jimmy Carter to work with Congress rather than to fight it.
Jimmy Carter Library

than he attracted. President Carter has written that "none of the leaders in either House supported me." But, in fact, it was the leadership that worked out the compromise that enabled the president to grasp at least a partial victory out of the jaws of defeat. The following year, the president did veto the public works bill, and, in his memoirs, he concedes that "the battle left deep scars."

Too many commentators tend to slight the Carter presidency's legislative accomplishments. They remember only that he was unable to win the major tax reforms he sought or that he failed to achieve national health insurance or that his energy program was initially resisted. But his legislative program was extensive and ambitious, and he won more often than he lost. In terms of energy issues, the president oversaw the creation of a Department of Energy and the Synthetic Fuels Corporation, lifted controls on domestic oil production, and won a "windfall profits tax" on oil production. He won major legislative victories on civil service reform and on airline deregulation. He won approval of the important, but emotionally charged, Panama Canal treaties. When he left office, he could be justly proud of his legislative accomplishments. History will be more kind to Mr. Carter than were his contemporaries.

With hindsight, Jimmy Carter has agreed that "it would have been advisable to have introduced our legislation in more careful phases—not in such a rush. We would not have accomplished any more, and perhaps less, but my relations with Congress would have been smoother and the image of undue haste and confusion could have been avoided." Carter also now recognizes that he had asked members of Congress to take courageous stands on controversial issues with "really little in the list to attract constituents, but much to alienate some of the special interest groups." He recalls how Republican Leader Howard Baker said to him, "Mr. President, if I vote right many more times I'm going to lose the next election!"

Speaking of Senator Baker, I considered it most fortunate that he assumed the reins of leadership of his party, and that he served as Republican Minority Leader during the Carter years. Having followed his father, stepmother, and father-in-law in Congress, he had a deep and abiding understanding of, and respect for, the legislative process. His love for the Senate and for his country came before partisan imperatives. He offered a voice of wisdom, moderation, timely compromise, and gentle humor in the cloakrooms and on the floor. Without his support, we could not have won approval of the Panama Canal treaties, and he contributed to other important parts of the Carter legislative package. In later years, he served well as Senate Majority Leader, and, most recently, he sacrificed his own presidential campaign to become President Reagan's chief of staff at a time when mature counsel and moderate leadership in the White House were sorely needed.

Mr. President, reading these recent presidential memoirs, it seems that each chief executive creates his own myth to explain his failings with Congress. President Carter repeats a popular myth that congressional relations are harder now than in the days when a president had merely to meet with a handful of leaders and committee chairmen to work out a deal, before power became so diffuse. This mythical period is often attributed to the era of Lyndon Johnson—because, I suppose, no one would believe it about the eras of Truman, Eisenhower, or Kennedy—but it ignores how hard Lyndon Johnson worked to achieve consensus, how he devised his programs to appeal to the broadest spectrum of members, and how well he knew that every member's vote counted—from the leadership to the backbenchers.[6]

Gerald Ford was too much a man of Congress to repeat this myth, but he offered his own "why-presidents-can't-work-with-Congress-anymore" explanation. Ford's villain is the increased congressional staff. When he first came to the House in 1949, he had three staff members, and now a member might have dozens, not counting all the committee staff people. These staff members, as the story goes, have become minor powers unto themselves, goading their members into making more grandiose demands on an administration, devising new legislation simply to justify their existence on the swollen staff.

Like any myth, there is an element of truth in the charge, but it ignores the far more explosive expansion of staff within the executive branch during the same era. Just fifty years ago, Congress created the Executive Office of the President, permitting President Franklin D. Roosevelt to hire a half-dozen special assistants rather than rely exclusively on his cabinet departments. Now look at the size of the president's staff. They fill the entire Old Executive Office Building, which, in FDR's time, housed the Departments of State, War, and Navy. The same new demands on the government, both nationally and internationally, that required an increase in executive staff, have required expansion of the legislative staff. The fact is that we face issues far larger, far more complex, and in far greater number than those the federal government grappled with a half century ago. Increased staff is more the symptom, than the cause, of modern governmental problems.[7]

Certainly, there have been major structural changes in the Senate in the years since Watergate. We reorganized our committee system. We changed committee rules to permit a majority to call a committee meeting if the chairman refused, and to permit the minority to call witnesses to testify. We limited the ability of senior members to take the most desirable committee assignments. We assured every member of a meaningful committee assignment, and of a chairmanship or ranking minority position on a subcommittee. We passed "sunshine" legislation to open the markup sessions to the press and the public. We provided staff assistance to all committee members. We reduced the number of votes needed for cloture from two-thirds to three-fifths. We tightened the rules on the so-called post-cloture filibuster. And we opened the Senate's proceedings to television and radio coverage.

Presidents, senators, lobbyists, journalists, and political scientists will, for years, be debating the effects of these structural reforms, which cannot help but affect the way we do business. Their direction has been toward greater egalitarianism and openness in the legislative process, which we can all endorse. But whether these reforms also influence party discipline, is another question. I suspect that these cumulative reforms neither make a president's task easier nor harder. Structure matters less than issues: how issues affect members in their home states; how persuasive an administration is in selling Congress its position on the issues; how much popular support the president can stimulate for his program; and how well the president can define the national goals.

Many of the problems that commentators ascribed to structural changes in the 1970's became moot after the election of 1980. In that election, Republicans won the Senate for the first time in twenty-six years. Their narrow margin in the Senate, their minority status in the House, and their new president in the White House all forged a party unity that had been absent during the previous decade. No matter what one might think of the specific items in President Ronald Reagan's program, we may admire the way that that package was achieved during his first year in office.

Facing double-digit inflation and a sluggish economy, President Reagan proposed slashing cuts in taxes and domestic spending at the same time he endorsed major increases in military spending. Reagan's budget severely slashed federal job training programs, cut student loans, and reduced Medicare, food stamps, and other social-welfare programs. It used supply-side economics to justify massive tax cuts, arguing that reduced taxes would stimulate consumer and corporate spending. After a sharp recession in 1982, the nation, overall, has enjoyed a fairly strong period of prosperity in most areas of the country and the economy, and inflation has been held in check. The price, of course, has been staggering triple-digit budget and trade deficits, a doubling of the national debt, and the increasing discomfort of the stock markets. The last pages of the Reagan administration's history have yet to be written, and so we cannot make final assessments. Moreover, unlike the Ford and Carter administrations, we currently have no presidential memoirs offering personal insights and explanations.

But we do have two memoirs by staff members: one, an aide to Senator Baker; and the other, the president's director of the Office of Management and Budget. In his book *Running in Place,* James A. Miller re-

"A policy without checks and balances is a policy that too often loses its way," said Senator Robert C. Byrd, seen here with President Ronald Reagan and Senator Paul Laxalt. *James K.W. Atherton/Washington Post* counts how the new Republican president and Republican Senate majority handled the economic crisis facing them. Senator Baker urged the president to tell the country how bad economic conditions had become, declare a moratorium on cost-of-living increases, and then offer his own stringent budget proposals.[8] However, the president's advisers rejected this proposal in favor of a dramatic fiscal realignment, based on massive tax and spending cuts. Acting boldly and decisively, drawing on his immense popularity, the president advocated and won enactment of the Kemp-Roth tax cut, the cornerstone of the "Reagan Revolution." In his own remarkable confessions, *The Triumph of Politics,* budget chief David Stockman has defined the Reagan Revolution as "a frontal assault on the American welfare state," believing deep reductions in all forms of domestic spending the only way to balance the massive tax cuts.

"Behind the hoopla of the Kemp-Roth tax cut and my thick black books of budget cuts," Stockman wrote, was "minimalist government—a spare and stingy creature, which offered even-handed public justice, but no more." There was only one problem: Stockman discovered that his numbers did not add up. "In effect, the President was letting his fiscal architect develop his economic policy revolution for him." This is Stockman speaking. "He was taking my plan on faith alone, having no reason to suspect that the numbers wouldn't add up." [9]

The result of this error in calculation has been unprecedented federal deficits, a crisis in the U.S. balance of trade, and steadily eroding investor confidence. The president wanted taxes cut and defense spending increased, and was unwilling to touch Social Security. Key Republicans in Congress defended tobacco subsidies, jobs programs, nuclear reactors, and other pet projects. Cabinet secretaries defended their departments' budgets. Although some programs were abolished or reduced, the cuts in domestic spending simply did not match the increases in defense spending or compensate for the tax cuts. A disillusioned Stockman had discovered that "our Madisonian government of checks and balances, three branches, two legislative houses, and infinitely splintered power is conservative, not radical. It hugs powerfully to the history behind it." [10]

Mr. President, I would agree with Mr. Stockman's assessment of our Madisonian system of government. It seems to me that where presidents—of either party—go astray is when they forget the fundamental reasons and wisdom behind that system of government, and why it has survived for two hundred years. Divided power is not efficient; it sometimes frustrates favorite schemes; it opens projects to criticism, revision, and rejection. Congress supposedly leaks, while the executive branch is imagined to be sealed up tighter than a drum. So, a budget director's fears are held back from congressional scrutiny; a scheme to sell arms to the Iranians is kept secret even from the congressional intelligence committees, as is an illegal diversion of funds to Nicaragua. In all those cases, the truth is eventually revealed, to the embarrassment of all involved.

In July 1987, when the Congress traveled to Philadelphia to celebrate the two-hundredth anniversary of that great compromise that created the Senate and House, I drew special attention to this country's need to preserve its system of checks and balances. "In recent years, there has been a great deal of discussion about the separation of powers, of the proper role of the Congress in the formation of American foreign policy," I said at that occasion. "Yet, seen in the light of public debate, it is clear that a policy without checks and balances is a policy that too often loses its way." I wanted to drive home the point that our representative form of democ-

Members and officers of the One-hundredth Senate, who attended a ceremonial session commemorating the bicentennial of the Constitution's Great Compromise, pose in the restored Senate chamber at Congress Hall, Philadelphia on July 16, 1987.

Front row, left to right, Secretary of the Senate Walter J. Stewart, Senators Spark M. Matsunaga, Harry Reid, Quentin N. Burdick, Majority Leader Robert C. Byrd, Senator Strom Thurmond, Minority Leader Robert J. Dole, Senators John Heinz, Arlen Specter, Pete V. Domenici, John S. McCain.

Back row, left to right, Senators Dennis DeConcini, Wyche Fowler, Senate Chaplain Richard C. Halverson, Senators Paul S. Sarbanes, Frank R. Lautenberg, Frank H. Murkowski, Alan K. Simpson, John Melcher, Ted Stevens, Charles E. Grassley, Larry Pressler, Daniel J. Evans, Jesse Helms, John W. Warner, William V. Roth, Jr.

Center, in the chair, President pro tempore John C. Stennis. *Alan E. Porter* racy depends upon power divided and power shared. "The tension between the Congress and the Executive was meant to be," I said. "It need not be destructive. It is, in the best sense, a healthy and creative tension inherent in our democratic process."

Mr. President, I trust that readers will recognize the threads of that theme throughout my addresses on the history of the Senate. This is not simply the story of the One-hundredth Congress versus the Reagan administration. It is also the story of the Senate of William Maclay versus the presidency of George Washington; of Henry Clay versus Andrew Jackson; of Ben Wade versus Abraham Lincoln; of Roscoe Conkling versus James A. Garfield; of Nelson Aldrich versus Theodore Roosevelt; of Robert Taft versus Harry Truman; of J. William Fulbright versus Lyndon Johnson; and of Sam Ervin versus Richard Nixon. Neither presidents nor Congress can act by fiat, but must work together, each keeping a firm eye on the other branch, and each jealously guarding its own prerogatives. At the same time, we are all judged by the American people who elect us. I have frequently said that I have full faith in the restorative powers of our democracy. What is unchecked will be balanced. What is wrong will be righted in time by our open and democratic system of government. So it has been for the first two hundred years in the history of the United States Senate, and so it will be in the future.

Notes

CHAPTER 1

The First Congress, 1789–1791

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[3] U.S., Congress, Senate, *Journal*, 1st Cong., 1st sess., p. 5.

[4] Charlene N. Bickford, " 'Public attention is very much fixed on the proceedings of the new Congress:' The First Federal Congress begins its Work," *this Constitution* (Winter 1984): 26.

[5] DePauw, 1:4.

[6] Bickford, p. 28, quoting Samuel Huntington to William Samuel Johnson and Oliver Ellsworth, March 30, 1789.

[7] John C. Fitzpatrick, ed., *Writings of George Washington* (Washington, DC, 1939), 30:280, quoting George Washington to acting secretary of war, April 10, 1789.

[8] Oliver Chitwood, *Richard Henry Lee: Statesman of the Revolution* (Morgantown, WV, 1967), pp. 1–95.

[9] A contemporary account of the March 26, 1789, banquet in Cumberland County, New Jersey, from documents supplied by The First Federal Congress Project, George Washington University, Washington, DC.

[10] Swanstrom, pp. 36–47.

[11] *Senate Journal*, 1st Cong., 1st sess., p. 14.

[12] Swanstrom, pp. 38–40.

[13] Swanstrom, p. 41, quoting *Aurora* (Philadelphia), April 19, 1794 and April 3, 1800.

[14] Tristram Dalton to Caleb Strong, January 1, 1789, Caleb Strong Papers, Massachusetts Historical Society, Boston.

[15] Wingate letter supplied by The First Federal Congress Project.

[16] Lawrence Mayo, *John Langdon of New Hampshire* (New York, 1970; reprint of 1937 ed.), pp. 1–149.

[17] *Senate Journal*, 1st Cong., 1st sess., p. 7–8.

[18] Joseph M. Beatty, Jr., ed., "The Letters of Judge Henry Wynkoop," *Pennsylvania Magazine of History and Biography* 38 (January 1914): 51.

[19] Swanstrom, pp. 42–43.

[20] U.S., Congress, *Annals of Congress*, 1st Cong., 1st sess., pp. 23–25, 221–22, 281.

[21] Swanstrom, pp. 62–64.

[22] Edgar S. Maclay, ed., *Journal of William Maclay* (New York, 1890), p. 135.

[23] Ibid., p. 139.

[24] *Annals of Congress*, 1st Cong., 1st sess., pp. 677–79, 890–92.

[25] Swanstrom, p. 68, quoting *National Gazette*, December 15, 1792.

[26] Maclay, pp. xiv, 251.

[27] Swanstrom, p. 244, quoting Paine Wingate to Timothy Pickering, April 29, 1789.

[28] Maclay, p. 3.

[29] *Annals of Congress*, 1st Cong., 1st sess., pp. 35–36.

[30] Maclay, p. 7.

[31] Ibid., pp. 7–10.

[32] Ibid., p. 41.

[33] Forrest McDonald, *The Presidency of George Washington* (Lawrence, KS, 1974), p. 30.

[34] *An Act for establishing the Salaries of the Executive Officers of Government with their Assistants and Clerks, Statutes at Large* 1, Ch. 13, 67 (1789).

[35] U.S., Congress, Senate, *Executive Journal*, 1st Cong., 1st sess., pp. 6–7.

[36] Maclay, p. 79.

[37] Ibid., pp. 127–33; *Annals of Congress*, 1st Cong., 1st sess., pp. 64–72.

[38] William Garrott Brown, *Life of Oliver Ellsworth* (New York, 1905), pp. 177–237.

[39] *Senate Journal*, 1st Cong., 1st sess., p. 42.

[40] Alvin M. Josephy, Jr., *On The Hill: A History of the American Congress* (New York, 1979), p. 69; Maclay, pp. 177–79.

[41] Kenneth Bowling, "Politics in the First Congress," (Ph D. dissertation, University of Wisconsin, 1968), Chapter 6.

[42] DePauw, 1:viii.

CHAPTER 2

The Birth of Political Parties, 1791–1800

[1] Dumas Malone, ed., *Dictionary of American Biography* (New York, 1946; reprint of 1935 ed.), 16:49–50; Allen Johnson, ed., *Dictionary of American Biography* (New York, 1946; reprint of 1935 ed.), 2:575.

[2] Allen Johnson and Dumas Malone, eds., *Dictionary of American Biography* (New York, 1946; reprint of 1935 ed.), 6:29–30; Allen Johnson, ed., *Dictionary of American Biography* (New York, 1946; reprint of 1935 ed.), 3:130–31.

[3] *Congressional Quarterly's Guide to Congress,* 2d ed. (Washington, DC, 1976), p. 76.

[4] Paine Wingate to General Nathaniel Peabody, February 4, 1791, New Hampshire Historical Society, Concord, NH.

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[6] Ibid., p. 88.

[7] U.S., Congress, Senate, *Journal*, 2d Cong., 2d sess., pp. 472, 482–83.

[8] For a thorough discussion of the Gallatin case, see Raymond Walters, Jr., *Albert Gallatin, Jeffersonian Financier and Diplomat* (New York, 1957), pp. 50–63.

[9] U.S., Congress, Senate, *The United States Senate: 1787–1801,* by Roy Swanstrom, S. Doc. 99–19, 99th Cong., 1st sess., 1985, p. 241, quoting *National Gazette*, February 13, 1793.

[10] Swanstrom, p. 240, quoting *Gazette of the United States,* September 26, 1792.

[11] Swanstrom, pp. 238–44.

[12] *Senate Journal*, 3d Cong., 1st sess., pp. 29–30.

[13] U.S., Congress, *Annals of Congress*, 3d Cong., 1st sess., p. 47.

[14] Charles Francis Adams, ed., *Works of John Adams* (Boston, 1856), 1:467.

[15] Swanstrom, p. 197, quoting William McKoy, *Poulson's American Daily Advertiser,* 1828–29.

[16] Josephy, p. 95.

[17] Charles R. King, ed., *Life and Correspondence of Rufus King* (New York, 1894), 1:512–76.

[18] U.S., Congress, Senate, *Executive Journal,* 3d Cong., 1st sess., p. 152.

[19] Josephy, pp. 99–104.

[20] *Senate Executive Journal*, 4th Cong., sp. sess., p. 186.

[21] Josephy, p. 101; John McMaster, *History of the People of the United States* (New York, 1936), 2:212–82.

[22] Swanstrom, pp. 134–36; Anderson Chenault Quisenberry, *Life and Times of Honorable Humphrey Marshall* (Winchester, KY, 1892), pp. 59–62.

[23] Swanstrom, pp. 128–35, quoting *Aurora*, July 7–16, 1793.

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[25] The senator is probably John Rutherfurd, Frederick Frelinghuysen, or Richard Stockton. "Two Valuable Original Letters," *Magazine of American History* X (December 1883): 509–10.

[26] Rufus Griswold, *The Republican Court* (New York, 1864), pp. 254–412.

[27] Swanstrom, p. 180, quoting James Madison to James Woods, February 27, 1836.

[28] Lawrence Mayo, *John Langdon of New Hampshire* (Concord, NH, 1937), p. 275.

[29] *Senate Executive Journal*, 5th Cong., sp. sess., p. 244.

[30] *Senate Journal*, 5th Cong., 1st sess., p. 392.

[31] Swanstrom, pp. 51–56.

[32] *Annals of Congress*, 5th Cong., 2d sess., pp. 547–623.

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[2] Ibid., pp. 131–32; U.S., Congress, House, *Art in the United States Capitol*, by Architect of the Capitol, H. Doc. 91–368, 91st Cong., 2d sess., 1976, p. 393.

[3] U.S., Congress, *Annals of Congress*, 6th Cong., 2d sess., p. 763.

[4] *Annals of Congress*, 7th Cong., 1st sess., pp. 11–16, 23.

[5] Ibid., p. 147.

[6] Ibid., pp. 148–50.

[7] Herbert S. Parmet and Marie B. Hecht, *Aaron Burr: Portrait of an Ambitious Man* (New York, 1967), p. 179.

[8] *Annals of Congress*, 7th Cong., 2d sess., pp. 34–50.

[9] Ibid., pp. 83–89, 91–98.

[10] *Annals of Congress*, 8th Cong., 1st sess., pp. 18, 26, 29.

[11] Ibid., pp. 31–35.

[12] Ibid., p. 34.

[13] Ibid., pp. 65, 73.

[14] Lowell H. Harrison, *John Breckinridge: Jeffersonian Republican* (Louisville, KY, 1969), p. 188.

[15] For additional information, see James C. Klotter, *The Breckinridges of Kentucky: 1760–1981* (Lexington, KY, 1986).

[16] Everett Somerville Brown, ed., *William Plumer's Memorandum of Proceedings in the United States Senate: 1803–1807* (New York, 1923), p. 310.

[17] *Annals of Congress*, 8th Cong., 2d sess., pp. 71–72.

[18] Noble E. Cunningham, Jr., *The Process of Government Under Jefferson* (Princeton, NJ, 1978), pp. 261–62.

[19] Ibid., p. 269.

[20] *Annals of Congress*, 9th Cong., 1st sess., p. 30.

[21] Ibid., p. 58.

[22] Ibid., pp. 90–91.

[23] *Annals of Congress*, 10th Cong., 1st sess., pp. 50–51.

[24] *Annals of Congress*, 10th Cong., 2d sess., pp. 21–23, 436.

[25] Merrill D. Peterson, *Thomas Jefferson and the New Nation: A Biography* (New York, 1970), p. 916.

[26] *Annals of Congress*, 9th Cong., 2d sess., pp. 39–43.

[27] *Annals of Congress*, 10th Cong., 1st sess., pp. 55–62.

[28] Ibid., pp. 71–72.

[29] Ibid., pp. 324–31; see also Charles Francis Adams, ed., *Memoirs of John Quincy Adams, Comprising Portions of His Diary From 1795 to 1848* (Freeport, NY, 1969; reprint of 1874–1877 ed.), 1:485–529.

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[31] *Washington Star*, November 30, 1925.

CHAPTER 4

The War of 1812, 1809–1816

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[2] Marshall Smelser, *The Democratic Republic: 1801–1815* (New York, 1968), p. 186.

[3] U.S., Congress, *Annals of Congress*, 11th Cong., 1st sess., pp. 39–40, 48.

[4] James F. Hopkins, ed., *The Papers of Henry Clay* (Lexington, KY, 1959), 1:498, quoting Henry Clay to James Monroe, November 13, 1810.

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[7] James Sterling Young, *The Washington Community: 1800–1828* (New York, 1966), p. 132.

[8] Ibid., pp. 87–109; see also Perry M. Goldman and James Sterling Young, eds., *The United States Congressional Directories: 1789–1840* (New York, 1973).

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[11] Thomas Hart Benton, *Thirty Years' View* (New York, 1883), 1:682–83.

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[13] *Annals of Congress*, 10th Cong., 2d sess., p. 305.

[14] Gerald H. Clarfield, *Timothy Pickering and the American Republic* (Pittsburgh, PA, 1980), p. 247; *Annals of Congress*, 11th Cong., 3d sess., pp. 65–66.

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[16] Smelser, pp. 192–99.

[17] *Annals of Congress*, 12th Cong., 1st sess., p. 44.

[18] Gaillard Hunt, *The Writings of James Madison* (New York, 1908), 8:192–201.

[19] Giunta, pp. 154–60; see also Leland Johnson, "The Suspense Was Hell: The Senate Vote for War in 1812," *Indiana Magazine of History* 65 (December 1969).

[20] Irving Brant, *The Fourth President: A Life of James Madison* (Indianapolis, IN, 1970), pp. 481–87.

[21] *Annals of Congress*, 12th Cong., 2d sess., pp. 58–62.

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[25] U.S., Congress, Senate, *The Senate Chamber: 1810–1859*, by United States Senate Commission on Art and Antiquities (Washington, DC: Government Printing Office, 1976), p. 3.

[26] Thomas Froncek, *An Illustrated History of the City of Washington* (New York, 1977), p. 117.

[27] *Annals of Congress*, 13th Cong., 3d sess., p. 20.

[28] Ibid., pp. 24–26; Annette Melville, *Special Collections in the Library of Congress: A Selective Guide* (Washington, DC, 1980), p. 189.

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[31] Hunt, *Writings of James Madison*, 8:327–32.

[32] *Annals of Congress*, 14th Cong., 1st sess., p. 267.

[33] Ibid., p. 185.

[34] *Niles' Weekly Register* (Baltimore), July 20, 1816, pp. 339–41.

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The Era of Good Feelings, 1817–1824

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[2] Ibid.

[3] George Dangerfield, *The Era of Good Feelings* (New York, 1952), p. 95, quoting *Columbian Centinel* (Boston), July 12, 1917.

[4] *Niles' Weekly Register* (Baltimore), January 10, 1818, p. 313.

[5] U.S., Congress, *Annals of Congress*, 15th Cong., 1st sess., p. 109.

[6] Ernest Bates, *The Story of Congress: 1789–1935* (New York, 1936), pp. 103–6; for detailed discussion of Jackson's exploits and the famous "Rhea letter" see Dangerfield, pp. 122–56; and James Curtis, *Andrew Jackson and the Search for Vindication* (Boston, 1976), pp. 64–91.

[7] U.S., Congress, Senate, *Journal*, 15th Cong., 2d sess., p. 300.

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[9] *Annals of Congress*, 15th Cong., 2d sess., p. 1204.

[10] U.S., Congress, House, *Journal*, 15th Cong., 2d sess., p. 275; *Senate Journal*, 15th Cong., 2d sess., pp. 321–22.

[11] Dangerfield, pp. 204–5.

[12] *Annals of Congress*, 16th Cong., 1st sess., p. 127.

[13] Ibid., p. 226.

[14] Ibid., pp. 259–75.

[15] Ibid., p. 270.

[16] Dangerfield, pp. 218–21.

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[20] *Annals of Congress*, 16th Cong., 2d sess., p. 44.

[21] Dangerfield, p. 233.

[22] *Annals of Congress*, 16th Cong., 2d sess., p. 670.

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[25] Bates, pp. 110–11.

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[30] Allen Johnson, ed., *Dictionary of American Biography* (New York, 1946; reprint of 1935 ed.), 3:325–26; *Biographical Directory of the American Congress*, pp. 606, 676, 1881; *National Cyclopedia of American Biography* (New York, 1897), 4:153.

[31] Dumas Malone, ed., *Dictionary of American Biography* (New York, 1946; reprint of 1935 ed.), 18:331–33.

[32] *Annals of Congress*, 18th Cong., 1st sess., pp. 22–24.

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[34] Ibid., 2:61–62; see also Robert V. Remini, *Andrew Jackson and the Course of American Freedom: 1822–1832* (New York, 1981), 2:52–54.

[35] James, 2:62–63, quoting Andrew Jackson to Rachel Jackson, November 28, 1823 and December 3, 1823.

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[39] James, 2:66–67, quoting Daniel Webster to Ezekiel Webster, February 2, 1824, and Elijah Mills to Mrs. Mills, January 2, 1824.

[40] James, 2:77–78.

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[46] U.S., Congress, Senate, *Register of Debates in Congress*, 18th Cong., 2d sess., p. 3.

[47] Nathan Sargent, *Public Men and Events* (Philadelphia, 1875), 1:91–92.

[48] *Register of Debates* , 18th Cong., 2d sess., p. 12.

[49] Benton, 1:30–31; *Register of Debates*, 18th Cong., 2d sess., pp. 28–33.

[50] *Register of Debates* , 18th Cong., 2d sess., p. 56.

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[18] *Register of Debates*, 19th Cong., 1st sess., p. 388.

[19] *Register of Debates*, 19th Cong., 1st sess., pp. 397–401.

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[22] Dangerfield, pp. 357–58; Glyndon Van Deusen, *The Life of Henry Clay* (Boston, 1937), pp. 220–23; Dawidoff, pp. 255–59.

[23] Ernest Bates, *The Story of Congress: 1789–1935* (New York, 1936), p. 121; *Register of Debates*, 19th Cong., 1st sess., p. 150.

[24] Van Deusen, pp. 211–12.

[25] Dangerfield, pp. 382–95.

[26] Ibid., p. 359.

[27] Van Buren, p. 171.

[28] Van Deusen, p. 227.

[29] Bates, p. 125.

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[31] Van Buren, p. 169.

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[30] Vandenberg, pp. 25–60.

[31] Ibid., pp. 61–145.

[32] Drury, pp. 334–35.

[33] Truman, 1:6, 194–98.

[34] Ibid., 1:4–5; Robert J. Donovan, *Conflict and Crisis: The Presidency of Harry S Truman, 1945–1948* (New York, 1977), pp. 3–7.

[35] Truman, 1:18–19; Donovan, p. 15.

CHAPTER 28

Congressional Reform: The Legislative Reorganization Act of 1946

[1] There are many books and articles on congressional reform. The most comprehensive of the contemporary accounts are George B. Galloway, *Congress at the Crossroads* (New York, 1946) and Roland A. Young, *This Is Congress* (New York, 1943). There are fifty-five magazine articles from the period 1938 to 1946 in U.S., Congress, Special Joint Committee on the Organization of Congress, *The Organization of Congress: Symposium on Congress by Members of Congress and Others*, Joint Committee Print, 79th Congress, 1st sess., August 1945.

[2] Sam Rayburn address at Dallas, Texas, December 10, 1940, in *Symposium on Congress*, pp. 193–200.

[3] U.S., Congress, House, *Congressional Record*, 77th Cong., 1st sess., pp. 1337–38.

[4] Robert Heller, *Strengthening the Congress* (Washington, DC, 1945), p. 10; Lindsay Rogers, "The Staffing of Congress," *Political Science Quarterly* 56 (March 1941):1–22. This article provides the best single study of nineteenth and early twentieth century staffing. See also Harrison W. Fox, Jr. and Susan Webb Hammond, *Congressional Staffs: The Invisible Force in American Lawmaking* (New York, 1977), pp. 15–25 and Michael J. Malbin, *Unelected Representatives: Congressional Staff and the Future of Representative Government* (New York, 1980).

[5] U.S., Congress, House, Committee on Appropriations, *Legislative Branch Appropriations Bill, 1941, Hearings Before a Subcommittee on Appropriations of the House*, 76th Cong., 3d sess., 1940, p. 93.

[6] *Congressional Record*, 77th Cong., 1st sess., pp. 5085–87.

[7] *New York Times*, January 6, 1942.

[8] Cited in George E. Outland, "We Must Modernize Congress," *Reader's Digest*, February 1945, pp. 35–38; *New York Times*, March 20, 1942; Galloway, p. 56.

[9] For a sampling of congressional and public sentiment on this issue, see *Congressional Record*, 77th Cong., 2d sess., pp. 4138–39, 4159, 4164–65; Robert M. La Follette, Jr., "A Senator Looks at Congress," *The Atlantic Monthly*, July 1943, pp. 91–96. Congressmen actually received only 200 of the 15,000 "x-cards" issued in the District of Columbia.

[10] "Congress Under Fire: Scapegoat for the Nation," *United States News*, June 19, 1942.

[11] Quoted in Walter F. George, "Don't Blame Congress for Everything," *Look*, June 30, 1942, pp. 28–30.

[12] *Congressional Record*, 77th Cong., 2d sess., pp. A2329–31.

[13] George, "Don't Blame Congress," p. 28.

[14] The members were Joseph P. Chamberlain, Columbia University; Marshall E. Dimock, Northwestern University; Pendleton Herring and Arthur N. Holcombe, Harvard University; Meyer Jacobstein, Senate Committee on Postwar Economic Planning; Robert D. Leigh, Bennington College; Benjamin B. Wallace, United States Tariff Commission (his $4,200 gift financed the work of the committee); Schuyler C. Wallace, Columbia University; Roland Young, Senate Foreign Relations Committee.

[15] George B. Galloway, "Congress: Problem, Diagnosis, Proposal," *American Political Science Review* (December 1942), pp. 1091–1102. Article includes text of the draft report and an extensive list of proposals submitted to, but not accepted by, the committee.

[16] Galloway, "Congress," pp. 1091–1100.

[17] Ibid.

[18] U.S., Congress, Senate, *Journal*, 77th Cong. 2d sess., p. 377.

[19] *The Emergency Price Control Act of 1942, Statutes at Large* 56, Ch. 26, 23 (1942).

[20] *Congressional Record*, 77th Cong., 2d sess., pp. 7696–7710.

[21] William Hard, "Congress' Biggest Job," *Reader's Digest*, October 1942, pp. 16–20.

[22] Floyd M. Riddick, "First Session of the Seventy-eighth Congress," *American Political Science Review* (April 1944), p. 301.

[23] U.S., Congress, House, *A Resolution to Establish a Committee to Protect the Integrity of Congress*, H. Res. 113, 78th Cong., 1st sess., 1943. Sponsored by Representative Clare E. Hoffman of Michigan; U.S., Congress, House, *A Resolution Creating the Select Committee on Reorganization*, H. Res. 19, 78th Cong., 1st sess., 1943.

[24] John A. Perkins, "Congressional Self-Improvement," *American Political Science Review* (June 1944), pp. 499–511. An excellent and comprehensive summary.

[25] Estes Kefauver, "The Need for Better Executive-Legislative Teamwork in the National Government," *American Political Science Review* (April 1944), pp. 317–25. In the 78th Congress (1943–1944) his proposal was set forth in H. Res. 327; in the 79th Congress (1945–1946) it was H. Res. 31. See also Kefauver, *A Twentieth Century Congress* (New York, 1947), pp. 70–78, 143–52.

[26] Jerry Voorhis, *Confessions of a Congressman* (New York, 1947), p. 313.

[27] Dirksen: H. Res. 19; Monroney: H. Con. Res. 54; La Follette: S. Res. 169; Maloney: S. Con. Res. 23; all 78th Congress.

[28] La Follette, "A Senator Looks At Congress," pp. 91–96.

[29] Ibid.

[30] *New York Times*, November 12, 1943.

[31] Ibid., March 20, 1944.

[32] Ibid., April 16, 1944.

[33] Ibid., June 25, 1944; July 9, 1944; Leading congressional reformers never expected to alter House and Senate rules and procedures, although they frequently raised the possibility as a spur to negotiations.

[34] A.S. "Mike" Monroney, "Streamlining Congress," Radio Address, September 13, 1944, in *Symposium on Congress*, pp. 144–49.

[35] *Congressional Record*, 78th Cong., 2d sess., pp. 9535–46.

[36] U.S., Congress, *Official Congressional Directory*, 78th Cong., 2d sess. (Washington, DC, 1944), p. 193.

[37] *Washington Post*, January 17, 1945. Eulogies appear in U.S., Congress, *Memorial Services Held in the Senate and House of Representatives of the United States, Together with Remarks Presented in Eulogy of Francis Thomas Maloney*, 79th Cong., 1st sess. (Washington, DC, 1947). See also *New York Times*, January 17, 1945.

[38] Heller, *Strengthening the Congress*.

[39] Madeleine Wing Adler, "Congressional Reform: An Exploratory Case," (Ph.D. dissertation, University of Wisconsin, 1969), p. 42. In a March 28, 1966 interview Galloway acknowledged to Adler that he helped write the Heller report. See also Heller, p. 1–11.

[40] Heller, pp. 12–35.

[41] Reviewed by John A. Perkins in *American Political Science Review* (June 1945), pp. 582–84.

[42] George Galloway et al., *The Reorganization of Congress* (Washington, DC, 1945), pp. 1–89.

[43] *Congressional Record*, 79th Cong., 1st sess., p. 1749.

[44] U.S., Congress, Joint Committee on the Organization of Congress, 79th Cong., Legislative Archives Division, Record Group 128, folder 5, National Archives, Washington, DC. The Joint Committee received an authorization of $15,000. Galloway hired a part-time clerk.

[45] Earlier, Galloway had cautioned Maloney and Monroney to take great care in selecting a name for the Joint Committee. He avoided such words as "reform," "reorganize," and even the innocuous "strengthen."

[46] Jerold S. Auerbach, *Labor and Liberty: The La Follette Committee and the New Deal* (New York, 1966), pp. 78-80.

[47] James T. Patterson, *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933–1939* (Lexington, KY, 1967), p. 181.

[48] U.S., Congress, Joint Committee on the Organization of Congress, *Hearings*, 79th Cong., 1st sess., parts 1–4; See also *Symposium on Congress*.

[49] Only La Follette and Monroney attended thirty or more sessions. Senators Wayland Brooks and Richard Russell attended only two. Five of the twelve participated in more than half. Of these five, four were members of the House.

[50] As noted by Ernest Griffith in memorial services for Galloway, reprinted in *Congressional Record*, 90th Cong., 1st sess. pp. 2594–96.

[51] Special Committee to Investigate the National Defense Program.

[52] U.S., Congress, Senate, *Report of the Secretary of the Senate*, S. Doc. 79–7, 79th Cong., 1st sess., p. 159. Bess W. Truman is listed as "Clerk to Senator Truman" at an annual salary of $4,500.

[53] George Galloway to Richard B. Russell, Group IX, Series II, Box 14, Richard B. Russell Memorial Library, Athens, Georgia. Numerous letters from Galloway urging Russell to take an active part in the Joint Committee's work. Galloway cited specific accomplishments of the panel to date.

[54] *Life*, June 18, 1945, pp. 71–85.

[55] U.S., Congress, Joint Committee on the Organization of Congress, *First Progress Report*, Joint Committee Print, 79th Cong., 1st sess., April 1, 1945, pp. 8–13; See also *Symposium on Congress*.

[56] *Life*, March 11, 1946, p. 38.

[57] Representative Ben Jensen of Iowa as quoted in Henry Pringle, "Can Congress Save Itself?" *Saturday Evening Post*, October 6, 1945, p. 28.

[58] Floyd M. Riddick, "The First Session of the Seventy-Ninth Congress," *American Political Science Review* (April 1946), pp. 256–71.

[59] Quoted in Pringle, "Can Congress Save Itself?" p. 114.

[60] U.S., Congress, Joint Committee on the Organization of Congress, *Report Pursuant to H. Con. Res. 18*, S. Rept. 1011, 79th Cong., 2d sess., March 4, 1946, pp. 1–35 (hereafter cited as *Final Report*).

[61] Ibid., pp. 2–11.

[62] Ibid., p. 13.

[63] Ibid., pp. 14–33.

[64] *New York Times*, March 5, 1946, and March 10, 1946.

[65] Ibid., April 24, 1946.

[66] Ibid.

[67] Recommendation three, *Final Report*, p. 5.

[68] *New York Times*, May 14, 1946.

[69] Ibid., June 7, 1946.

[70] Quoted in *New York Times*, June 9, 1946.

[71] *Congressional Record*, 79th Cong., 2d sess., p. 6578.

[72] Galloway, *Congress at the Crossroads*, pp. 340–46.

[73] Ibid., p. 345.

[74] *Congressional Record*, 79th Cong., 2d sess., pp. 10037–104.

[75] *New York Times*, July 27, 1946; U.S., President, *Public Papers of the President of the United States* (Washington, DC: Office of the *Federal Register*, National Archives and Records Service, 1953-), Harry S Truman, 1946, p. 373; Public Law 79–601.

[76] In 1948 and 1951 the Senate conducted extensive hearings to evaluate the success of this act. The printed transcripts contain a wealth of information on legislative reform. See U.S., Congress, Senate, Committee on Expenditures in the Executive Departments, *Evaluation of the Legislative Reorganization Act of 1946*, 80th Cong., 2d sess., February 1948; and U.S., Congress, Senate, Committee on Expenditures in the Executive Departments, *Organization and Operation of Congress*, 82d Cong., 1st sess., June 1951.

[77] *Congressional Record*, 97th Cong., 1st sess., pp. S445–47.

[78] George B. Galloway, *History of the House of Representatives* (New York, 1961), pp. 57–61; A.S. "Mike" Monroney et al., *The Strengthening of American Political Institutions* (Port Washington, NY, 1972; reprint of 1949 ed.), pp. 3–24.

[79] *Congressional Record*, 95th Cong., 2d sess., pp. 21102–9, 21185–88.

CHAPTER 29

The Cold War, 1945–1953

[1] Dean Acheson, *Present at the Creation: My Years in the State Department* (New York, 1969), pp. 97–99.

[2] *Francis O. Wilcox, Chief of Staff, Foreign Relations Committee, 1942–1955*, Oral History Interviews, February 1–June 13, 1984 (U.S. Senate Historical Office, Washington, DC), p. 35.

[3] John Lewis Gaddis, *The United States and the Origins of the Cold War, 1941–1947* (New York, 1972), pp. 253–54.

[4] Ibid., p. 291.

[5] Ronald Steel, *Walter Lippmann and the American Century* (Boston, 1980), p. 445.

[6] Alexander DeConde, "George Catlett Marshall, 1947–1949," in *An Uncertain Tradition: American Secretaries of State in the Twentieth Century*, ed. Norman A. Graebner (New York, 1961), p. 248.

[7] Eric F. Goldman, *The Crucial Decade—and After: America, 1945–1960* (New York, 1960), p. 59.

[8] U.S., President, *Public Papers of the Presidents of the United States* (Washington, DC: Office of the *Federal Register*, National Archives and Records Service, 1953–), Harry S Truman, 1947, pp. 178–80.

[9] Arthur H. Vandenberg, Jr., ed., *The Private Papers of Senator Vandenberg* (Boston, 1952), pp. 341–42.

[10] James T. Patterson, *Mr. Republican: A Biography of Robert A. Taft* (Boston, 1972), pp. 370–71.

[11] Robert J. Donovan, *Conflict and Crisis: The Presidency of Harry S. Truman, 1945–1948* (New York, 1977), pp. 284–85; see also Richard M. Freeland, *The Truman Doctrine and the Origins of McCarthyism: Foreign Policy, Domestic Politics, and Internal Security, 1946–1948* (New York, 1972).

[12] Susan M. Hartmann, *Truman and the 80th Congress* (Columbia, MO, 1971), p. 111.

[13] Vandenberg, pp. 384–92.

[14] Donovan, pp. 357–68.

[15] Vandenberg, pp. 399–420.

[16] Patterson, p. 393.

[17] *Wilcox*, pp. 73–74.

[18] Acheson, p. 71; James Stanford Bradshaw, "Senator Arthur H. Vandenberg and Article 51 of the United Nations Charter," *Mid-America* 57 (July 1975), pp. 145–56; Francis O. Wilcox, *Arthur H. Vandenberg: His Career and Legacy* (Ann Arbor, 1975), p. 5.

[19] John A. Garraty, ed., *Dictionary of American Biography*, Supplement 7 (New York, 1981), p. 137.

[20] Patterson, pp. 438–39.

[21] Robert Griffith, *The Politics of Fear: Joseph R. McCarthy and the Senate* (Lexington, KY, 1970), pp. 64–65.

[22] Harold F. Gosnell, *Truman's Crises: A Political Biography of Harry S. Truman* (Westbrook, CT, 1980), p. 438.

[23] Norman A. Graebner, "Dean G. Acheson, 1949–1953," in *An Uncertain Tradition, American Secretaries of State in the Twentieth Century*, ed., Norman A. Graebner (New York, 1961), pp. 267–88.

[24] Arthur M. Schlesinger, Jr., *The Imperial Presidency* (New York, 1974), pp. 131–39; Henry F. Graff, ed., *The Presidents: A Reference History* (New York, 1984), p. 539.

[25] Marvin E. Stromer, *The Making of a Political Leader: Kenneth S. Wherry and the United States Senate* (Lincoln, NE, 1969), pp. 57–78.

[26] Patterson, p. 489.

CHAPTER 30

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[2] Jack Alexander, "The Senate's Remarkable Upstart," *The Saturday Evening Post* (August 9, 1947).

[3] U.S., Congress, *Official Congressional Directory*, 80th Cong., 1st sess. (1947), p. 138.

[4] Robert Griffith, *The Politics of Fear: Joseph R. McCarthy and the Senate* (Lexington, KY, 1970), pp. 13–14.

[5] Oshinsky, pp. 63–66.

[6] Griffith, pp. 17–20.

[7] Ibid., pp. 20–26.

[8] Jack Anderson and Ronald W. May, *McCarthy: The Man, The Senator, the "Ism"* (Boston, 1952), pp. 3–4.

[9] *Leonard H. Ballard, Inspector, United States Capitol Police, 1947–1984*, Oral History Interviews, August 18, 1983–January 10, 1984 (U.S. Senate Historical Office, Washington, DC), p. 25.

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[11] Thomas C. Reeves, *The Life and Times of Joe McCarthy: A Biography* (New York, 1982), p. 195.

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[13] Oshinsky, p. 114.

[14] William F. Buckley, Jr. and L. Brent Bozell, *McCarthy and His Enemies: The Record and Its Meaning* (Chicago, 1954), p. 58.

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[17] Margaret Chase Smith, *Declaration of Conscience* (Garden City, NY, 1972), pp. 12–18.

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[19] Griffith, pp 153–56.

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[22] Oshinsky, p. 251.

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[24] William Bragg Ewald, Jr., *Who Killed Joe McCarthy?* (New York, 1984), pp. 72, 383.

[25] Griffith, pp. 212–13.

[26] James A. Wechsler, *The Age of Suspicion* (New York, 1953), pp. 269–72.

[27] Oshinsky, p. 285.

[28] Ibid., pp. 355–77.

[29] Griffith, pp. 247–49, 258–59.

[30] U.S., Congress, Senate, Committee on Government Operations, *Special Investigations on Charges and Countercharges Involving Secretary of the Army Robert T. Stevens, John G. Adams, H. Struve Hensel and Senator Joe McCarthy, Roy M. Cohn, and Francis P. Carr, Hearings Before the Permanent Subcommittee on Investigations*, 83d Cong., 2d sess., 1954, pp. 2426–30.

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[32] Barry M. Goldwater, *With No Apologies* (New York, 1979), p. 61.

[33] *Floyd M. Riddick: Senate Parliamentarian*, Oral History Interviews June 26, 1978–February 15, 1979 (U.S. Senate Historical Office, Washington, DC), p. 368.

[34] *Watt*, pp. 150–51.

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[2] John A. Garraty, ed., *Dictionary of American Biography*, Supplement 5 (New York, 1977), p. 674.

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[4] *New York Times*, September 8, 1945.

[5] Patterson, p. 302.

[6] Ibid., p. 304.

[7] U.S., Congress, Senate, *Congressional Record*, 79th Cong., 2d sess., p. 5714–15.

[8] Patterson, p. 308.

[9] Quoted in Ibid., p. 313.

[10] "Old Guard Supreme," *New Republic*, January 13, 1947, p. 116.

[11] Quoted in Susan M. Hartmann, *Truman and the 80th Congress* (Columbia, MO, 1971), p. 10.

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[14] Joseph G. Rayback, *A History of American Labor* (New York, 1959), p. 400; Robert J. Donovan, *Conflict and Crisis: The Presidency of Harry S Truman, 1945–1948* (New York, 1977), pp. 298–304.

[15] Hartmann, pp. 213–14.

[16] *Meridian Star*, August 22, 1947; Billy Weeks, "The 1947 Senatorial Campaign of John C. Stennis," (May 1973), manuscript copy in files of the United States Senate Historical Office.

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[19] Roland Evans and Robert Novak, *Lyndon B. Johnson: The Exercise of Power* (New York, 1966), pp. 26–31.

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[21] Edward L. Schapsmeier and Frederick H. Schapsmeier, "Scott W. Lucas of Havana: His Rise and Fall as Majority Leader in the United States Senate," *Journal of the Illinois State Historical Society* 70 (November 1977): 302–20.

[22] Quoted in Patterson, p. 440.

[23] McCoy, p. 166.

[24] Clinton P. Anderson, *Outsider in the Senate* (New York, 1970), pp. 95–96; *Congressional Record*, 97th Cong., 1st sess., pp. S1928–37, quoting Senator Robert C. Byrd's speech, "The United States Senate: Limited Debate, 1789–1981, The Cloture Rule."

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[26] *Congressional Quarterly's Guide to Congress*, 3d ed. (Washington, DC, 1982), pp. 202–3.

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[37] *Leonard H. Ballard, Inspector, United States Capitol Police, 1947–1984*, Oral History Interviews, August 18, 1983–January 10, 1984 (U.S. Senate Historical Office, Washington, DC), p. 26.

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CHAPTER 32

Lyndon Johnson's Senate, 1948–1961

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[2] For Johnson's early years, see Robert A. Caro, *The Years of Lyndon Johnson: The Path to Power* (New York, 1982).

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[8] Miller, pp. 142–43.

[9] Carl Solberg, *Hubert Humphrey: A Biography* (New York, 1984), pp. 143–45.

[10] Rowland Evans and Robert Novak, *Lyndon B. Johnson: The Exercise of Power* (New York, 1966), pp. 54–56.

[11] Miller, p. 150.

[12] Evans and Novak, p. 51.

[13] Ibid., pp. 56–57; Solberg, pp. 162–64.

[14] Eisenhower once noted of Knowland: "It is a pity that his wisdom, his judgment, his tact, and his sense of humor lag so far behind his ambition," quoted in Stephen E. Ambrose, *Eisenhower: The President* (New York, 1984), p. 164.

[15] U.S., Congress, Senate, *Congressional Record*, 83d Cong., 2d sess., p. 2218.

[16] Evans and Novak, pp. 81–87; Robert Griffith, *The Politics of Fear: Joseph R. McCarthy and the Senate* (Lexington, KY, 1970), pp. 239, 294–306.

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[18] Miller, pp. 176, 179.

[19] *St. Claire*, pp. 134–35.

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[21] Evans and Novak, pp. 114–16.

[22] Ibid., p. 138.

[23] Ibid., pp. 125–40; Miller, p. 211.

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[27] See Donald A. Ritchie, "Making Fulbright Chairman: Or How the 'Johnson Treatment' Nearly Backfired," in the *Society for Historians of American Foreign Relations Newsletter* 15 (September 1984): 21–28.

[28] Sykes, pp. 109–20; *Congressional Record*, 86th Cong., 1st sess., pp. 2814–20.

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[30] Charles C. Alexander, *Holding The Line: The Eisenhower Era, 1952–1961* (Bloomington, IN, 1975), pp. 251–52; Baker, pp. 136–38; See also Richard Allan Baker, "A Slap at the 'Hidden-Hand Presidency': The Senate and the Lewis Strauss Affair," *Congress and the Presidency* 14 (Spring 1987) 1–16.

[31] Alexander, p. 253.

[32] Miller, pp. 226–29.

[33] Evans and Novak, pp. 223–24; Miller, pp. 230–31.

[34] Miller, pp. 275–76.

CHAPTER 33

A Bipartisan Foreign Policy, 1953–1960

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[2] Arthur M. Schlesinger, Jr., *The Imperial Presidency* (New York, 1974), p. 163.

[3] William B. Pickett, "The Eisenhower Solarium Notes," *The Society for Historians of American Foreign Relations Newsletter* 16 (June 1985): 1–10.

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[5] Stephen A. Ambrose, *Eisenhower, The President* (New York, 1984), pp. 68–70, 154–55.

[6] *Wilcox*, pp. 132–33; *~~Pat~~ M. Holt, Chief of Staff, Foreign Relations Committee*, Oral History Interviews, September 9–December 12, 1980 (U.S. Senate Historical Office, Washington, DC), pp. 102–4.

[7] Tananbaum, pp. 87–93.

[8] U.S., Congress, Senate, Committee on Foreign Relations, *The United States Government and the Vietnam War: Executive and Legislative Roles and Relationships, Part 1, 1945–1961*, S. Print 98–185, 98th Cong., 2d sess., p. 120.

[9] Ibid., pp. 129–63.

[10] Chalmers Roberts, "The Day We Didn't Go to War," *Washington Post*, June 7, 1954.

[11] Committee on Foreign Relations, *The U.S. Government and the Vietnam War*, pp. 163–227; Stanley Karnow, *Vietnam: A History* (New York, 1983), p. 197.

[12] U.S., Congress, Senate, Committee on Foreign Relations, *Congress: Information and Foreign Affairs*, Committee Print, 95th Cong., 2d sess., pp. 29–30.

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[14] Ibid., 4:87, 104.

[15] Schlesinger, pp. 159–60.

[16] U.S., Congress, Senate, Committee on Foreign Relations, *Executive Sessions of the Senate Foreign Relations Committee Together With Joint Sessions With the Senate Armed Services Committee (Historical Series)*, vol. 9, 85th Cong., 1st sess., 1957 (Washington, DC, 1979), p. 20.

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